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A N S W E R

To a Late
PAMPHLET,

ENTITLED A
Vindication of Marriage,

As Solemniz'd
By Presbyterians
In the North of
IRELAND.

Put them in mind to be Subject to Principalities and Powers, to obey Magistrates, to be ready to every Good Word and Work.

To speak evil of no Man, to be no Brawlers but Gentle, shewing all meekness unto all Men, Ep. Titus, Cap. 3: Vers. 1. 2.

The Sectaries who rashly separate from some Churches, because of some Forms, Opinions, or Ceremonies, which almost all Christians on earth have us'd in the former purer Ages, and still use; should be more cautious in examining their Grounds, and should hardly venture to separate from any Church for that; which for the same reason would move them to separate from almost all Christians in the whole World; if not unchurch the Church of Christ. Mr. Baxter's Preface to his Church History of the Government of Bishops.

A N
A C T
Made in SCOTLAND,

Against Clandestine and Irregular Marriages, August, 30th.
1698.

OUR Sovereign Lord, with Advice and Consent of the Estates of Parliament, for rendring more Effectual the Acts of Parliament against Clandestine and Irregular Marriages, viz. The 34th of the First Parliament, in 1661. And the Twelfth Act of the Fifth Session of the Current Parliament, Statutes and Ordains, that the Parties Clandestinely or Irregularly Married, Contrary to the said Act in 1661. declare, when requir'd, the Names and Designations of the said Minister, or Parson, who Celebrate the said Clandestine or Irregular Marriages, and of such as were Witnesses to the said Marriages; with Certification, that if they refuse, when requir'd, the aforesaid Parties Married shall pay, each Nobleman, Ten thousand Pounds; each Baron and Landed Gentleman, Two thousand Marks; each Gentleman and Burges, One thousand Pounds; each other Person two hundred Marks, to be applied to Pious uses within the Parishes where the said Persons Dwell; and further, be Imprison'd; Ay, and while they do declare who were Celebrators of, and Witnesses to the said Marriages, and also make payment of the respective Penalties above mention'd. And for the better Repressing the said Clandestine Marriages, it is further Statute and Ordain'd, that over and above the said Pains contain'd in the said Act of 1661. and 1695. against Clandestine and Irregular Marriages, the Celebrator of the said Clandestine Marriages shall be lyable to be summarly seiz'd and Imprison'd by any ordinary Magistrate or Justice of Peace; and further, punishable by the Lords of the Privy-Council, not only by perpetual Banishment, but by such pecunial or Corporal Pains as the said Lords of Privy-Council shall think fit to inflict: As also, that the Witnesses to the said Clandestine Marriages shall be lyable each one of them, in the Sum of One hundred Pounds Scots *scoties quoyes*, to be applied to the Uses, and in manner above mention'd; or if Insolvent, to such Corporal punishment as the said Lords shall think fit to Determine.



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~~Printed and sold by J. Cooper, at the Pamphlet Office, in the Strand, near the Temple Church, for the Proprietors, for a few Days only, as the Subject, and to give it as plain, and yet as full an Answer, as the Subject, and the manner of handling it would admit of; and which, as I hope, is~~

P R E F A C E

T O T H E

R E A D E R.

HAVING in the following Discourse, given (as I hope) a plain and satisfactory Answer, to every thing material in the Vindication of Presbyterian Marriages: What I think my Self chiefly accountable for, to my Reader is, to let him know, why this was not done sooner; the Vindication being publick now about two Years. As to my particular, I can only assure him, that 'tis but a short time since I either saw, or heard of the Vindication, and it has not been delay'd, since I resolv'd upon giving it an Answer. But having consulted several of my Brethren, who had read the Book, to know, why none of them thought fit to make some Reply to it? I found Them generally of Opinion, that the Reasonings were so Weak, the Arguments so Sophistical, and the greatest part of the Pamphlet, so wholly Impertinent and foreign to the design of it, that they judg'd it not worth answering; but that it would quickly find its Fate in due Contempt and Oblivion, as many such had done before it. For my part, their reasons drew from me the quite contrary conclusion to that they made; for the more loose and trifling his Arguments are, so much the better are they fitted to Impose upon, and insnare the generality of those they are Address'd to: And to Men long inur'd, nay, almost bred up to hear nothing of solid and close Arguing, but altogether po-

pular and loose Discourses; a Pamphlet writ in the same manner, is suited to make the deepest Impressions, for which reason, I determin'd to give it as plain, and yet as full an Answer, as the subject, and the manner of handling it would admit of; and such, as I hope, is evident, even to the meanest Capacities.

I have given no willful offence in what I have writ to our Dissenting Brethren in general; but have forbore every thing that might exasperate, however provok'd to it, by many indecent Reflections on the Church and Clergy: But I think it not fair, to charge, or to return the indiscreet Management of one, or some very few Persons upon the whole Body, and especially being assur'd, that the most considerable of them, will not justify him.

After I had finish'd this Answer, I found an opportunity of Informing my self of the present State of Ulster, which is properly call'd the North of Ireland; and cannot but be amaz'd to find the Vindicator affirming, that the Presbyterians have long possess'd the North of Ireland: When it may be demonstrated, that their whole Possessions will not amount to One fortieth part of it; which if he denies, he may be convinc'd, by having a particuler List of all the Eisted Noble-men, and Gentlemen in Ulster; so that his first Assertion will very much need some Expurgatory Index, when it bears the second Impression.

Nor would I be mistaken, as if I were not in earnest, when I speak of a second Impression: I am sure, whoever considers the Zeal and eagerness with which 'tis propagated; and how it has been cry'd up as unanswerable; and has encourag'd many deluded People, to persist in doing injuries to themselves and Families; will not be surpriz'd to find it come out the second time in Triumph: But possibly, being now fairly examin'd and laid open, it may prevent its doing more Mischief; and that was the main design I had in troubling my self about it.

ANSWER

TO THE

Vindicator's PREFACE.

WHEN a Man pretends to be Wiser than the Laws, and to have a better understanding than his Governors, both in Church and State, he ought to have Arguments, clear almost to a Demonstration, that he is in the right to oppose so Great an Authority; And if his Assurance do amount to an Infallibility, as he thinks; yet since it is against his Superiors, and those the Highest he can have upon Earth, he is oblig'd by all the Tyes of Humanity and Religion, to manage his Cause, with Humility, Respect, and Decency.

He that opposes the Highest Authority on Earth, without the utmost proof, that the Nature of the thing will bear; may, for ought he knows, resist an Ordinance of God, in not submitting to the Government, which God has plac'd in the World; for even Humane Laws do oblige us, not only *for Wrath, but for Conscience sake*, if they are not Inconsistent with some Precept of the Divine Law; and a Man ought to be very sure, that he acts upon the strongest Grounds imaginable, least in opposing the Supreme Authority, under God, he be found to fight against him that Ordain'd it.

And supposing a Man to act upon the clearest conviction of Reason and Evidence, in opposition to the Government he lives under; yet if he treats his Superiors with Contempt, and gives his Pen, or his Tongue a liberty to Insult, and revile both the Laws, and their

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Makers; as it is a shrewd sign of a weak indefensible Cause; so it contradicts the plainest Rules of Christianity, which forbid us to *despise Dominions, or to speakevil of Dignities.*

How far the Author of the Vindication of Marriages, as Solemniz'd by the *Presbyterians* in the North of *Ireland*, has govern'd himself by either of these Rules, is evident to every unprejudic'd Reader; and I hope in the following Discourse it is put beyond Dispute, that he has had little Regard either to the validity of his Reasons, or to any due decency in the Management of them : His Preface which is generally allow'd to be the best part of his Performance, is so Manifestly Sophistical and Insolent, that as the Arguments do by no means become a Scholar, so the Language does much less become one who calls himself *a Minister of Christ*. His very First Assertion in it, is an imposition upon his unwary Readers ; He says, *'Tis sufficiently known, that a considerable Body of Brittish Protestants, who go under the name of Presbyterians, have long possess'd the North of Ireland :* 'Tis certain, that a considerable Body of them have long liv'd in the North of *Ireland* ; but by his leave, they are far from being the Possessors of it. I am much mistaken, if the best Estates in the North, be not in very different hands ; nor can I believe, that the Land-Lords of other persuasions would agree to change their Interests with the *Presbyterians* ; and in common acceptation, as well as in good sense, They are said to Possess the Land, who have the property of it. And this the Vindicator well knew ; but it is not the only Artifice he uses to Magnifie his Party, and make them appear Formidable. He goes on to tell us of their Loyal and Peaceable Disposition ; of their opposing the Enemies of King *Charles* the First, and of the great Services they did to the Brittish Interest, both in the last Rebellion of the *Irish*, and in that of 1641. I am not willing to lessen any Good Impression he is pleased to give of them ; for I believe them Loyal and Peaceable enough, when Men of his Figure and Character among them, cease to blow the Trumpet of War. And as I gladly Allow the Merit of their Services in the late Revolution, but not in the Invidious way of Comparifon, that our Author has brought it in ; so I hope they will ever continue

due steady to the true Brittish Interest, whatever *wavering* Examples some leading Men may set them. He Complements the Civil Government, and Conforming Laiety, at the heavy Expence of the Clergy; who (He says) *Have Deliver'd these Innocent Men to Satan, because they cannot comply with, and yield to their Impositions.* How true this is, the contrary Doctrine and Practice of the Establish'd Church may Convince every Man; it is far from being their Principle, to Damn those who differ in Judgment from them: But if by this he means the Power of Excommunicating Obstinate Sinners, the Establish'd Church does Retain and Exercise it, and so does the Church of Scotland, whereof he has been a Member, even in the Case before us. *Tet he cannot admire the Policy of the Clergy; who taking this course to make the Dissenters Odious, must Provoke some Conformists to think themselves such, and so increase the Number of the Dissenters, by Bastardizing many of them, who are Descended from t arents Presbiterianly Marry'd; Even the Conformists will resent the Clergies declaring them Sons of Whores.* If the Clergy be out in their Politicks in this instance, It is their Comfort, they are not like to lose much by it; but this Gentleman being so kind to Admonish them, I would not be behind in Courtesie with him; and in return shall tell him, that the Clergy Bastardize none, but such as the Civil Government and Laiety had declar'd to be such beforehand; so that he may recal the Complement he paid them; and possibly he may not increase the Number of Converts, as he imagines in his way of treating the Clergy: For however Men may Differ in Opinion, neither side can be pleas'd to hear a Minister use such Common Scurrilous Language, as that of *Sons of Whores*:

Neither can his next Instance be very Agreeable to any Man who values the Reformation; I cannot think, he Design'd to give the Papists a Handle against it; but it would prove a harsh Argument from the Mouth of a Papist, to say, That he could produce a Protestant Minister of some Eminence, Declaring, *that it was a great Inducement to Queen Elizabeth to Oppose Popery; that the Papists had declar'd Her to be a Bastard*; which is in plain Terms, no other than this; That the Queen was Protestant, not from the Convicti-

on of the Truth, or from the Perswasion of Her Conscience, but only from Secular Considerations.

They who are Acquainted with the History of that Great Princess, know the falsity of this Suggestion, and that She was Train'd up from Her tender Years, in Principles which dispos'd Her for the Reformation; and that She had been a Confessor for the Faith of Protestants before She came to the Crown: But some Men have an Old Quarrel to that Good Queen, and dare assault Her in the Dust; and let the World Judge, whether any of Her Popish Enemies could have done it, in a more Despightful or Mischievous way. Our Author is not yet out of his Fears for the Conformists; who are like to be Offended with this Clergy-Trick of Bastardizing. *He knows Persons of Prime Quality in the Kingdom; nay, he Fears even the Ring-Leader of this Contrivance may be a Sufferer as well as others;* and that he may not by any means Escape, he drags him to Execution, with an Old Latin scrap for his Motto; *Nec enim Lex justior ulla, &c.*

It's strange, that this Gentleman's Fears should wander so far from Home, and leave their Master unguarded, who stands in so great need of them, *Nec Domino profunt, quæ profunt omnibus Artes.* He has in his Book Bastardiz'd to all Intents and Purposes, those Descended from such who were Married by Justices of the Peace in the late times of Usurpation; and how many of his own People this may Affect, they may best Judge for themselves; but for his Persons of Prime Quality, who have been *Presbyterianly* Married, as I cannot certainly contradict it, yet it seems of Kin, to that of his possessors of the North of Ireland: Possibly there may be some singular Instance; but he knows that Persons of the best Quality among his own People, do generally Marry by the Ministers, and with the Office of the Church Establish'd, so that he might have spar'd his Quality. Who he means by his *Ring-Leader*, I know not; but I guess it to be One, whom his Reflection does not reach, but whom he could not pass by, as having an Old Grudge at a certain Book, which is not yet answer'd, tho' weakly Attack'd by a *Ring-Leader*.

To qualify the hard Language before given to the Clergy in general;

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heirself us, after, that all the Establish'd Clergy are not concern'd in this Design, viz. Of delivering over the Presbyterians to Satan; and that all places are not troubled alike; but that intemperate Zeal in some, and the love of Money in others, has made them thus unseasonably vexatious.

For my part, I hope and believe, that none of the Establish'd Clergy are concern'd in any such Hellish Design; and that neither Zeal, nor Money cou'd prompt them to be Agents for the Devil. But if he means, that any one of the Clergy of the Church of *Ireland* believes their Marriages Legal and Valid, I think he is mistaken; some of them perhaps are not able, and others not willing to dispute every Pretended Marriage with them; knowing their Zeal, and the Artifice they have of making every thing a Party Cause, and how ill the Clergy fare, when they happen to controvert with them, tho' it be for their plainest, justest Rights, which this Author, and his Congregation are not insensible of; and I doubt not, if the Establish'd Minister shou'd Prosecute any one of them in the Ecclesiastical Courts, for the vilest Offence, or the most palpable Injustice, it wou'd immediately be ascrib'd to Intemperate Zeal, or the love of Money.

From the aforesaid Considerations, *He humbly desires the thinking and moderate Sons of the Church, without Passion, or Prejudice, to satisfy him Impartially in these few Things; They are willing to do it, Provided he remember, that the Wifest Men cannot always answer, every question, that the weakest can ask;*

However, They are for once willing to be Catechiz'd, and to satisfy this Magisterial Enquirer. His first Question is,

Whether may not God join together Man and Woman in Marriage, without the Consent of the Clergy, and Ceremonies of the Church? And whether any Church can put such married Persons asunder? No certainly. Those whom God has put together, no Man, or Men can put asunder. But unless God is pleased to do this, in some Extraordinary manner, which I suppose this Gentleman does not mean, then has he oblig'd every Man and Woman to conform to the Establish'd Customs of Marriages in the Countries they are sub-

ject to; provided they are not contradictory to his Laws. So that his first question is easily resolv'd; If God descends Miraculously, to Marry any Man or Woman, He Supercedes the Laws; and that Marriage is Good, if all Mankind oppos'd it; but if not, then God has Ordain'd all Persons to be Married, as the Legal Christian Forms of their Country appoint; and Persons thus Married, *no Man can put asunder.*

His second Question imports thus much; *Whether a Sum of Money paid by Agreement, instead of a lawful Marriage, can either reform Mens Manners, or make an Illegal Marriage lawful?* We answer no; nothing can rectify an Illegal Marriage, but its being Solemniz'd as it ought to be by Law; this will answer the true ends of Reformation, in this particular: But the Design of this Question, is a vulgar Insinuation against the Corruption of the Ecclesiastical Courts; and if there have been such Abuses, every Good Clergy-Man wishes the Reformation of them, more heartily by far, than any Dissenter can do.

His third Question is extraordinary, both in the design, and the good nature of it: *Can the Clergy demand Money for such Marriages, as they themselves declare to be null and void? and if they have taken Money upon this account; are they not oblig'd to refund?* and to justify his Question, he brings the Sacred Text most abusively and impertinently, to countenance it.

To this we answer, the Clergy can demand no Money, but for Marriages duly Solemniz'd; and the Law which gives them those Dues, supposes all Marriages to be so Perform'd; and certainly they who pay such Dues, believe them to be good Marriages: Every Minister is Intituled to his Dues, for burying of the Dead; now, if some more Wise than all that ever went before them will throw their Dead into the Ground, without any Funeral Service, shall the Minister therefore lose his Right? and if some will Marry in their own way, must the Establish'd Minister therefore lose part of his legal Salary? If the Persons thus Married will own they are not duly Married, but that they live in Fornication, every Minister will be ready to refund the Money; if not, I hope they will own, that they pay for real Marriages.

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His fourth Question is an impertinent distinction, between Adultery and Fornication; which Terms, as they are sometimes us'd Promiscuously to signify each other, so I think it enough to answer his mysterious Query, to say, that *they are so us'd.*

His Fifth Question is indeed of great Importance, and Concerns both the Dissenters and Us, to consider most seriously, *viz. Whether the Breaches among us, be not wide enough already, but that some must be inventing new Engines, for the private gains of a few, to drive us at a greater distance, who have all the reason that Men can have, to Unite against the Common Enemy?* Most certainly, Our Divisions are too many and Wide, and need no New Engines to inflame them, the Lord heal them, and in Mercy Convert the Instruments of them: And I would recommend it to the cool thoughts of our Dissenting Brethren to Judge, whether raising this new Scruple against the Lawfulness of being Married by the Establish'd Form and Clergy, which none of their Brethren in *England* have yet done, be not inventing a New Engine to Widen our Breaches, and to set us at the greatest distance they can? They cannot deny, but that they are oblig'd to Conform to us, as being the Legal Establishment, unless our Terms of uniting be Sinful; whether they be or no in the Case of Marriage, the *English* Dissenters are as good Judges, as their Northern Brethren in *Ireland*, and they have no such Fears of them; and I hope the following Discourse leaves them inexcusable, as to any Pretence of Sinfulness.

His Sixth Question charges the Clergy with much Partiality; as troubling only the *Presbyterians* about their Marriages, when *Papists and Quakers are suffer'd to go free.* Truly the Papists and Quakers would be much oblig'd to the Author, to make good his Assertion: We allow the *Presbyterian* Marriages to be as Valid, as either the Papists or Quakers, or any others, who are not Legally Solemniz'd; and if they escape Prosecution for their Marriages, so do the *Presbyterians* themselves in many Places, as our Author just before observ'd in his Complement to some of the Moderate Clergy: So that the Prosecuting, or forbearing, is only imputable to the Conduct of particular Men, from whose managment, it is not fair to charge the whole

whole Clergy with Partiality; but I cannot pass by the remarkable Apology he makes for our not Prosecuting the *Papists*, *their Priests having Episcopal Ordination, which the Presbyterians want; which* (says he) *is a weak Subterfuge to such as have by Oath renounc'd all Foreign Ecclesiastical Jurisdiction and Power, from which all Popish Priests here derive their Orders.* He might have spar'd this learned Digression; the *Papists* (as I said) being equally liable to Prosecution with the Dissenters; but he has given us a new Notion of Holy Orders, which in his Sense are Deriv'd from Ecclesiastical Jurisdiction; I believe he is the first learned Divine that ever held this opinion; They all agree, that Orders are from Christ the Supreme Head of the Universal Church; and that Ecclesiastical Power and Jurisdiction, are the Result of and Appendánt to Holy Orders, and not the Original of them. But it's no matter how Causes and Effects are confounded, since it serves to Insinuate, that the Clergy are Popishly Affected.

His Last Question is, *What Deference is paid to Her Majesty's Royal Word, which She has past to the Dissenters; assuring them of Her Protection, which* (as the Vindicator affirms) *is nothing more than Dispensing with some Ecclesiastick Canons.*

It must be own'd one great Instance of Her Majesty's Goodness to, and Protection of the *Presbyterians*, that they have nothing to complain of, but the Restraint of their Ministers Celebrating Marriage; I never Remember, that this was ever reckon'd under the head of Hardships or Persecutions, by any Sect of suffering Christians, who (for ought that appears) always comply'd with the settled Customs in every Government, which they happen'd to Live under:

(Vide) The
Scots Act of
Parliament in
the Appendix.

And it sounds harsh, from a Member of that Church, which punishes the Non-compliance with their Marriages, with a Sentence as cruel as Death. The *Presbyterians* of the North, would do well to consider, that other sort of Returns are due for the benefits and liberty which they enjoy, and how ill it becomes them to quarrel with their Superiors in this Point; when their better and elder Brethren in *England*, who have an Act of Parliament to secure them, which these have not;

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yet have never represented the want of that liberty as a Grievance, nor as a severe Imposition. Their Ministers enjoy the free exercise of every Office, which is essentially or properly a part of the Ministers Duty, and they are pleas'd and thankful for it; ours have the same advantages, by a Connivance only, yet want to inroach on the Civil Power, in telling the Magistrate, that the Persons he has Appointed to Marry, are incompetent; and that they will not submit to them. Neither are they so grateful for Her Majesty's gracious Protection as they should be; They tell Her plainly, it is no more than dispensing with a few Ecclesiastick Canons; tho' they must be conscious, that if the Laws which are now muzzled, were let loose upon them, they wou'd find themselves in a far worse Condition than the Ecclesiastick Canons or Anathema's (as they believe) could place them. Those Queries seem to be the Result of the Vindicator's whole Book, and which he proposes as such, to the Consideration of the Clergy and Laity of the Establish'd Church: They have been now fully consider'd; and I must appeal, not to the Members of the Church, for his Preface can have made little or no impression on them, but to those of his own perswasion, whether there be any thing in his Considerations, that is not duly Answer'd? and since they contain an Epitome of all his Arguments, whither by this scantling, they judge them worth making so much noise and bustle with; and to be of such Importance, as for their sakes to revive a Controversie which has long slept in silence, and which might by God's Providence, and in his good time, be Compos'd; if *some turbulent Spirits did not study to embroil the Parties, and to magnifie every little trifle into an Occasion of greater Discord and Confusion.* What end such Men drive at; or what account they find in these Methods, I am not willing to guess; sure I am, to whatever ends they may serve them in this World, they will be found of dreadful Account in the last Day, in the presence of that God, who has Commanded us to study to be quiet, and to live peaceably, as far as possible with all Men; and to pursue those things which make for Peace, and things wherewith one may edify another.

I have but one thing more to observe on the last Paragraph of the Author's Preface; where Addressing to those of his own Persuasion, he assures them, *that there is as plain reason for their Non-conformity in this, viz. of Marriage, as in other Matters*: I doubt not of the Author's Credit with those of his own Persuasion; and therefore do hope they will believe a Man of his authority among them, affirming, *that they have no more reason to Dissent from the Church in other Matters, than they have in this*. I am glad to hear so free and open a Confession from him; and will not despair of the good effects it may have upon the most considering Persons of the Presbyterian Persuasion: They find that the Author has put the whole Stress of Non-conformity upon this Issue; And if the following Discourse does convince them upon what weak and precarious Reasonings they refuse to comply with our Marriages, they will then make the proper use of the Vindicator's free Concession; and let it influence them to believe, that they have as little reason to Dissent, or to be Non-Conformists in other Matters.

C H A P. I.

HOWever tedious and troublesome it is, to follow the Steps of some Authors, who Love to wander from their Subject, and by a vain Ostentation of Learning, to make injudicious Readers believe that whatever they advance, is both Pertinent and Unanswerable: I have chosen this unpleasant Task of following the Vindicator in his own Method, and of examining his Arguments, as he has laid them down by Chapters; that even his Admirers may be stript of that popular pretence, that I have only Singled out a few of the easier things to answer, but that, for his more Learn'd and deeper Notions, I have prudently pass'd them by:

Indeed were his discourse address'd to Men of Learning, I need not have taken either the pains or caution to pursue him thro' his Mazes. Such Readers would easily discern, that not One Third of his Pamphlet, is any way to his purpose; Nor any of his Learned

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Quotations available to the Conclusion that he designs to make. But an unwary and unskilful Reader (such as he Principally intended to amuse with his Vindication) can hardly imagine, that so many words should signifie nothing to his purpose, and that he should lavish so much Learning, barely to Astonish those who do not understand it; It is chiefly for their sakes, that I answer the Vindicator in his own way; who might otherwise be effectually confuted with far less pains, and less expence of Time and Paper. *I begin with his Introduction;*

Where a Man might rationally have expected some accurate Definition of Marriage, to have a Right notion of his Subject Stated, before he enter'd upon so prolix a Treatise about it. But he wisely avoided that, knowing that such a Foundation, however necessary, would never admit of the Superstructure that he has rais'd, and would have confuted all his undertaking.

Leaving therefore his Main point undefin'd, the first Remarkable Observation he makes, is *of our partaking with the Papists in that Evil Deed and Doctrine, of our observing and advancing a Canon of the Council of Trent, for our Rule of Marriage and Excommunicating other Protestants for their not observing it*: A pretty bold stroke this to begin with, to charge that Church with the Observation of the Council of Trent, which first threw off Popery, and has ever since been the Bank and Barrier against it. Such a Foul Accusation as this, ought to be well prov'd; but he more modestly takes it for granted, having Quoted the Canon it self; He knew in his Conscience, that the Establish'd Church has rejected the Authority, and never admitted any Decree or Canon of the Council of Trent; and yet to serve his turn, can without regret, obtrude so base a Calumny: and what Treatment the Church is to expect before the end of his work, any Impartial Man may Judge by this Beginning. Taking therefore for granted, that 'tis upon this Foundation that both Church and State do build their Prosecution against the *Presbyterian Marriages*; (than which there cannot be a more unjust or opprobrious Reflection) he attempts to vindicate the *Presbyterian Marriages*, by shewing these five things.

1st. *That they Judge Marriage, a Holy Ordinance of God, and Honourable State of Life, Religiously to be enter'd in by all Christians,* in the Proof of which, he has spent twelve long Pages; and I know no Christian that he has for an adversary; especially none of the Establish'd Church, which in the Exhortation to the Office of Matrimony, has express'd her sense of this matter very fully.

2d. *That it is highly expedient, a Minister of the Word be present thereat, to Instruct, Exhort, &c.* Which he Proves in Eight Pages more; and which we think, as highly decent, as he does expedient, and therefore do always Celebrate Marriage by a Minister.

3d. *That they cannot with good Conscience conform to the Solemnizing Marriage, by the Form in the Book of Common-Prayer, by which* he Condemns all his Brethren in England, and the other parts of Ireland: And this Pretence shall be Examin'd in its proper Place.

4th. *That their manner of Marriage is Agreeable to the Word of God, Laws of Nature and Nations, Laws of the Land, &c.* which I shall likewise duly Examine.

5th. *That Excommunicating or Prosecuting their Ministers for Marrying, or the Persons Marry'd by them, is inconsistent with the Laws, and uncharitable and unjust;* a heavy charge, if he could have made it good from the Management of his Premises, and which I hope will be made appear to be a Meer noise, to make the Church Odious, and to gain Credit to his Suffering Brethren, as he would have the World believe them.

The Vindicator begins his First Chapter, with a Description of Marriage, which with Submission, I take to be a very Imperfect One. He says, *It is the Conjunction of One Man and Woman Marriageable by their just, full, and express Consent, to Live as Husband and Wife, in Obedience to these Laws, and for these Ends which God hath Ordain'd in this Institution.* This indeed may be a Description of the Married Life, but not of that which Constitutes the Marriage; which was the thing that he ought first of all to have Settled: When he calls it a *Conjunction*, he leaves us in the Dark, as to the meaning of it; for it may be, either before or after Marri-

age, if it be that which Precedes the Marriage, it is Improperly so call'd by any Man Treating on this Subject ; if the meaning be of the Conjunction after ; This I take for the Conjunction of the Marriage Bed, which is somewhat consequent upon Marriage ; so that by an Ambiguous Term, he has Evaded that, which ought to be the clearest part of his Book : Then he says, it is of *Persons Marriageable*, which seems to me, to be the defining of the same thing by it self : As if I should call a Fire, the *Conjunction of things Fireable* ; by which we have no New notion of the thing Describ'd. The rest of his Description does indeed, point out to the Duties of a Married State, but is far from informing us, in what Act, or Acts, the Essentials of Marriage do consist. Our Enquiry is, what is that which Ties, or makes the Band of Marriage ; His Description gives this Answer, It is the Conjunction of One Man and Woman Living as Husband and Wife in obedience to Gods Laws, &c. This only tells us what the Married State is ; but for that, by which we are admitted, either by God or Man, to Live in this State, it is utterly silent. If I should ask, what it is to Die ? It may be Answered thus ; it is leaving this World, and going into a State of Endless Joys or Torments : This informs me truly of the Condition of Man after Death ; but it gives me no instruction, in the thing desir'd : *viz.* What it is to Die ? for then the Answer must be, that Dying is the Separation of Soul and Body till the Day of Judgment ; so I say, this Authors Description has inform'd us, of the Married Condition, *but not, what it is to Marry.* Now because, the Main of our Controversy will turn upon this, and it might have sav'd him a great deal of needless Writing, and Reading ; to have fix'd a true and proper Definition of Marriage : before I proceed, I shall Endeavour to set that Matter in a true Light, and thereby prevent abundance of unnecessary Labour, and Groundless Disputing. To avoid therefore all manner of Cavilling, I shall State the Question fully and plainly thus.

What is that which makes a single Man and Woman, who have a right to dispose of themselves, to become Husband and Wife ? for in that Act, or Acts, whatever they be, Marriage does truly and solely

ly consist: To which I answer; *That a Mutual, Solemn, free Consent, actually given to take each other for Husband and Wife, is that whereby they become Husband and Wife*; and consequently the doing of this is, a Formal and Real Marriage. That the Consent of the Persons Marrying must be free and mutual, admits of no doubt; that it must be solemn and serious, I think no Body can dispute; and when two Persons have thus consented to each other in this manner; then is there as little dispute, that they are in the sight of God, Husband and Wife; for the Mutual Vow between them, does oblige each of them in Conscience; nor can all the Power on Earth dissolve or annul it. But because every Man and Woman is a Member of Society, and consequently accountable to the Society they live in, for their Conduct and Behaviour, and especially in this Matter; wherein the very being of all Societies is so highly Concern'd; Therefore it has been the Wisdom of all Governments, that no Man and Woman shall co-habit together, by vertue of the private Vow or Contract, which they have passed to each other, till they have made a *publick Solemn Acknowledgement and Declaration of that Vow, to satisfy the Government of the truth of it*; and that they have thereby put themselves under such Duties, and Obligations, as the Respective Governments have laid upon every Man and Wife: The reasonableness and benefit of such a Declaration, can be deny'd by none, who own themselves Members of, and accountable to any Society they live in; neither is it any Controversy among Men of Knowledge and Learning, but that every Government has the undoubted Right to Appoint, by what Persons, and in what manner they will Receive and ratify this Declaration; and to look upon such Marriages as Null and Void, which have not this *legal Sanction, or Ratification*. But besides the being Members of Humane Society, every Christian Man and Woman are Members of that Society, whereof Jesus Christ is the Glorious Eternal Head, which is, His Universal Church in Heaven and Earth: In Heaven they neither Marry nor are given in Marriage; but the Church on Earth must be propagated and continu'd by it, as the Invisible one in Heaven, is thereby daily augmented and fill'd. Upon the

score

score of this Relation, every Christian is oblig'd to observe those Rules in Marrying, which Jesus Christ has left, and Commanded : And these Rules being only general, such as respect Holiness, Purity, and Sanctification in the choice we make ; and the Love, Temperance, and Education in Piety, which attend the future Conduct of a Married Life. A Christian Marrying with a due knowledge of these general Obligations, and resolving heartily to observe Them, has fulfill'd all that our Saviour Commands, do exact from those who are about to enter into the State of Matrimony. He that chuses a Wife, chiefly for the promoting of Piety and Holiness, and being Married, lives with Love, Peace, and Sobriety, and endeavours to Educate his Children in the fear of God ; has answer'd all that Jesus Christ has requir'd from Persons Marry'd : Nor has our Blessed Saviour Impos'd any new Terms or Conditions upon Persons entring into the State of Marriage, except those of greater Purity, of preventing a plurality of Wives, and Marrying within the degrees forbidden ; In all other things, He has permitted His followers, to enter into that State as they formerly did ; nor has he at all Cancell'd, but rather strengthen'd the Obligations we lye under, of being accountable to the Civil Government ; to prevent the innumerable Mischiefs and Confusions, which would certainly otherwise ensue.

Where I said, that the *Civil Government, has a Right to look upon such Marriages, which have not the Legal Sanction or Ratification to be Null and Void.* I do not mean that they can dissolve the Tye and Vow of Marriage made in the Presence of God ; for that (as I said) no Human Power can do ; but that the Civil Magistrate may and ought to consider such Vows, as never made ; to all intents and Purposes of Civil Society ; and the Persons Cohabiting upon that secret Contract (not ratified as the Laws do appoint) to be in the sight and sense of the Law ; Fornicators, and their issue Illegitimate :

'Tis possible, that Persons cohabiting in Vertue of that private Contract, may not in the sight of God, be adjudg'd guilty of the Sin of Fornication ; but in the Eye of the Law, they must be look'd upon as such, the Magistrate not being Authoriz'd to regard such Contracts, till they be Legally declar'd. The Sin of which these Per-

sons

sons are guilty before God, is the Refusing or Neglecting to obey the Lawful Commands of the Government they Live under : And for this Refusal, the Government is oblig'd to look upon them as Fornicators. In every Christian Marriage therefore, there are these Three Conditions absolutely necessary :

1st. The actual consent of the Persons entring into that State, their taking each other for Man and Wife in the Presence of God ; and this in Gods sight, is an indissolvable Marriage.

2^d. The Confirming and ratifying this Vow ; for the satisfaction of the Government they Live under ; and in such manner, and by such Persons as that Government has appointed to do this.

3^d. The making such a prudent choice of Husband or Wife, and the Living afterwards in the discharge of all Marriage Duties, as Christ has appointed.

The First of these, constitutes a true, proper and essential Marriage ; and whoever is so Married, and shall afterwards Marry any other, whilst the Contracted Parties are Living ; do in the sight of God, incur the Guilt of having Two Husbands, or Wives.

The Second makes the Marriage valid, to all the Ends and Purposes of Civil Society : And without the due performance of it, neither the Persons Marrying, nor their Issue, are Intitled to any benefit, or security, which the Laws of all Well-govern'd Societies provide, for Husband and Wife, and the lawful Issue of the Marriage Bed : For without this, no Government can look upon such Marriages as ever made, that known Rule taking place, most certainly in this case, *viz. The same account must be made of things which do not appear, and of things which never were in being.* And no Marriage can appear to the Government ; but in the way that the Government has Commanded it to be made evident. A man may have a Real Title to an Estate, yet if he do not, or cannot make it appear, in the way the Laws have prescrib'd, his Title signifies nothing ; and however, just it may be before God ; it shall not at all avail him ; till he has prov'd and manifested it in a Legal manner. And thus a Private Marriage Contract, or a Marriage made in any other way, than the Laws of the Land do direct ; however valid

valid it may be in the sight of God ; yet till it is Prov'd and Solemniz'd in the way that our Law-givers have ordain'd, must be look'd upon, as no Marriage ; and the Parties so living together, as living in Adultery or Fornication.

The Third Condition (tho' not Essential to the being of Marriage yet) I hope, no Minister of Christ, will dispute, to be of absolute necessity to the well being, and prosperity of the Persons entering, or enter'd into that State ; and tho' a Marriage may be valid both in the sight of God and Man, without the Observation of those Rules ; yet that Marriage can neither be Holy nor truly Christian, where they are Neglected or Despis'd.

Having given this plain, and, I think, undeniable account of that wherein Marriage properly does consist : I shall Examine what he has advanc'd against it, in his first Chap. wherein his whole design and endeavour is to Prove, *that Marriage is Gods Ordinance, and ought to be Religiously enter'd into.* If he had Heathens for his Adversaries ; this had been a Laudable Undertaking ; But its impossible to make it pertinent to any Division of Christians, none that I ever heard of, having as yet deny'd it : And if our Author may be believ'd, the Heathens themselves were of this Opinion ; or, he had not Quoted so many of them to Prove it. *Vindic. Pag. 17.*

But tho' his Conclusion be good, it is not his good Fortune to draw it from Right Premisses ; most of his Reasonings are so ill manag'd, as to attribute much more to Marriage, than (in Charity) I hope, he design'd ; he has made it so eminently and peculiarly Gods Ordinance, as to become part of his Worship ; nay, to Convey the inward Grace of Sanctification ; and to be duly administer'd by none, but those set apart, for the more immediate Service of God, as is plain from *Pag. 9, 10. &c.* And indeed the whole First Chapter seems to import little less : Now 'tis certain, that thro' the whole Scripture, we do not find, that Marriage is made any necessary or essential part of the Ministerial Office ; Or, that the Celebration of it is necessarily Annex'd to it ; tho' we allow and maintain that 'tis with most Decency and Expediency perform'd by them ; but from hence, to make it Inseparable from the Office,

seems to be a prescribing to Mankind, in a matter, wherein God has left them free; and I would recommend it to his cooler thoughts, to consider, what an advantage he has hereby given the Papists, to justify the notion of a Sacrament: For if Marriage be a most *Holy Ordinance of God, and a part of his worship, and which all Men are bound to enter into* (as he Rediculously asserts in the latter end of that Chapter) *and that it conveys the Grace of Sanctification, when duly perform'd*; Then have the Papists got every thing requisite to a Sacrament in it, except the outward sign; And he may be assur'd, they will not be long at a loss for that: *Joyning of Hands, being assign'd by the Author.* This Consequence may possibly have escap'd our Authors Observation, in his Zeal and Eagerness for his Cause. But it seems to have fallen providentially from his Pen, to make him more modest and cautious for the future, how he distributes his *Scandal of Popery* to the Establish'd Church; which he has done very lavishly thro' his whole Vindication, yet I am confident, that in all the Writings of Church Men upon this Subject, it were impossible to find so many Advantages given to the *Papists Cause of making Marriage a Sacrament*, as he has furnish'd in Two or Three Chapters of this Injudicious Treatise. Besides, the Vindicator would do well to consider, how Absurd and Indecent it looks in him, to be so free with his Aspersions of Popery, who joyns at this time with the Papists, in running down, and Vilifying *the best security, both for the Protestant Religion, and Protestant Succession, that the Wisdom of both Nations could invent*; I mean, the *Abjuration Oath* which he and some of his Brethren, do still refuse to comply with.

It is to no purpose to pursue our Author, in all the mistakes he has committed in this Chapter: They do not much advantage his cause, nor in the least tend to Proving his Main Design, the Legality of *Presbyterian Marriages*: I only desire to observe this in general; that where he brings in so many Nations providing by their Laws, for the Solemnizing of their Marriages; it seems an unanswerable Argument against him; that every Nation has its Peculiar way of Marriage settled by Law, to which all their Subjects did submit; and they

they who did not, were always reckon'd Adulterers : To confirm which, I shall conclude with his own Observation in *Pag. 20. Num. 4. viz. The Civil Magistrate is incapacitate to Terrifie Evil Doers in this kind ; unless by good Evidence, it can be made appear to him : And as Adultery, Poligamy, &c. might pass unpunish'd, so these who might otherwise lawfully Marry, could not expect the Magistrates Protection in their Civil Rights, as Married Persons, when they could not by good evidence justify their Title to them.*

C H A P. II.

OUR Author having prov'd abundance in his first Chapter, which no Christian ever deny'd ; He goes on in the second, much after the same rate ; to shew us, what parts of Religious Worship are requisite at Marriage ; and by whom they are to be perform'd.

Upon the first of these, he has given us a sort of Directory for an Office of Matrimony, which I believe, his Brethren will give him little Thanks for ; not only, as it argues the want of this in their Old Directory, but as it is a most *improper and imperfect Direction* ; I call it improper ; because some of them are more suitable to the Married State, than to the Celebration of Marriage, such as, a particular Explication of Marriage-Duties, to be then insisted on by the Minister Officiating, and some Others : And I would ask this Gentleman, since he has made all these Religious Offices to be of Moral and Essential Necessity, to the Celebration of Marriage ; What account he will give us of those Marriages where the Justices of Peace Officiated, which being in the time, that his own Profession prevail'd he ought to have given some Satisfaction in that point to his own People, if not to those who differ from him.

I call his Directory Imperfect ; because he expressly excludes the Celebration of the Lord's-Supper, and designing to thrust it out in the worst company he could, he joins it with Ceremonies ; I hope, not to shew his equal regard to both. Yet if his Argument for appropriating this Office to the Ministerial, be Valid, *viz.* that it was

so practic'd at all times, and in all places, I believe, that Ceremonies, and perhaps, the Sacrament too, may still remain in the Office of Matrimony. This Author allows, that blessing God for the Re-

Cap. 2.
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lation it self, is one necessary Part of Religious Worship to be then perform'd : I doubt not, but by Blessing God, he means, Praising him, and giving him thanks; and if so, It would be worth his pains to tell us, whether we can express our Thanks to God, or Praise, or bless him so acceptably, as in that Holy Communion, which he knows, is of all the parts of Christian Worship, peculiarly call'd the *Eucharist*, or *Thanksgiving*; and why this should be excepted on so Solemn an Occasion, it is not easie, nor perhaps charitable to guess; certainly, if the Ordinance it self be Holy, and the Celebration of it Serious, Devout, and Religious; no fitter occasion can offer, for Men to praise God, as the Author of all Blessings, Spiritual and Temporal. But I wish, that this were the only Opportunity in which our Author, and his Brethren, judg'd the Sacrament of the Lord's-Supper unnecessary; and that he would be at some pains, to make some of our Blessed Saviour's Commands to reach the Ministers, with respect to teaching the Necessity, and Ends,

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and frequency of this Duty to the People; as he has strain'd so many of them, to prove Marriage an Inseparable part of the Ministerial Office, which yet he owns it is not.

But leaving our Author's Directory, as no way pertinent to his purpose, I come to examine his Proofs, that the Celebration of Marriage is part of the Ministerial Office : And first I would observe, that tho' all his Arguments conclude for the Necessity of its being so; yet *Pag. 22.* he gives up the Cause before hand, and says, that 'tis only requisite *ad bene'esse*, and to the decent Solemnizing. However afterwards, he endeavours to prove, that it is part of the Ministerial Work, *Pag. 23.* and that from divers Passages, and Texts of both

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Testaments; that since the Days of the Apostles, till now, all Christian Churches whatever, have judg'd it Duty to Employ their Ministers in this Work; and that therefore it must be an Apostolick Constitution, that from the Apostles time, this

this hath been observ'd in all Christian Churches, if not from the beginning of Christianity; and afterwards, *Pag. 27.* he makes it equally the Minister's Duty, with Baptizing Infants: And this being the Administration of a Christian Sacrament, is certainly in the highest degree, a part of the Ministerial Office. Now, how to reconcile all this with bare Decency and Expediency, is beyond any ordinary Capacity, and a Work worthy of his Learning and Subtily. I am sure, if our Author's Arguments have any force, they must either make the Celebration of Marriage an Essential Duty of the Ministerial Office; or make every other part of that Office, to depend on meer Decency, or Expediency, and he may split on which of these Rocks he pleases.

But, *Pag. 24.* he has undertaken to answer the Objections made against his Principles, *viz.* That there is neither *Precept nor Precedent* in the Old or New Testament, for Prophets, Priests or Gospel-Ministers being Employed in this Work, by vertue of their Office; and therefore, that they cannot rationally presume to any Right of Officiating in this Matter. To this he answers, by another Objection; that if so, It is equally valid against the Establish'd Clergy, as against them: True, if the Establish'd Clergy claim'd it in Right of their Office, as an Essential part of it; but our Author knows, that they Exercise it, only as more fit and Decent, and not of absolute Necessity. But then says he, *you derive your Power from the Civil Magistrate; and if so, the Power you exercise is Civil, and who made you Administrators of Civil Justice?* Before he asked this Question, he should have shewn the absurdity of Ministers Administring Civil Justice: Certainly in a Christian Government, where Ministers may be suppos'd to understand equally with their Neighbours, and to be under stricter Obligations of doing impartial Justice, this can be no such Incongruous thing; and especially, since in the Administration of Justice, they will find frequent Occasions of exercising Charity; and in particular, that branch of it which consists in making Peace, and reconciling Differences. But to our Author's Objection; that Celebrating Marriage is a Civil Act, because done in vertue of the Civil Power:

I answer no; the Act of Celebration, is a Religious Act; but exerted, and done, at the instance of the Civil Magistrate; Praying and Praising and Blessing God, are certainly Religious Acts; and may not these be done, at the Instance or Order of the Civil Governour? And when they are perform'd in obedience to him; do they therefore cease to be Religious, and become Civil? Even this Gentleman, *did once*, and most of his Brethren do still hold themselves oblig'd, to Pray and Preach, and Exercise other Duties of Religious Worship, on Days appointed by Authority for Publick Fasts and Thanksgivings; and I suppose, they suit their Devotions to the Occasion; as in obedience to the same Authority at these times, the Church Governours compose Forms of Prayer: Does the Civil Magistrates Command, make all these Devotions meerly Civil; or an Exercise of the Civil Power; no certainly, neither is it any more the Exercise of a Civil Power, to compose Forms of Prayer for the Celebration of Matrimony: In both Cases, the Occasions are great and Solemn; the Magistrate orders the Solemnity of both to be perform'd by the Ministers; but the Manner and Form is wholly left to them; and they suit it as they think fit; the only Difference is, that the One is a constant Form, and the Other Occasional: But who ever imagin'd either of them to be Civil, and not Religious; because they were of the Magistrates appointing? This being the only thing which looks like an Argument in this Chapter, I have therefore given it a full answer, and in so doing, to all the Triumphant Queries which our Author has Multiplied, on this suppos'd Advantage.

But our Author quits this, and comes to the Merits of the Cause, and Endeavours to shew *both Precedent and*
 Page 25. *Precept in Scripture*, for this being a part of the Ministerial Office. His Precedents, he would bring from the Patriarchal and the Mosaick Oeconomy: From both which, all that he aims to Prove is, that this Power was in the Fathers of Families, and they were always Priests till *Moses* Law; and in all the time from *Moses* to Christ, he has not attempted one Precedent, scarce
 Page 26. any colour of Argument: And to shew how unhappily he manages

manages his Cause; even in that of the Patriarchal State, where he has some shadow of reason, he places the Power of Celebrating Marriage in the Heads of Families, as such, and not as Priests: *If it be said, (says our Author) that what they* *Ibid.* *did, was as Fathers, and not as Priests,* we answer, *that as Fathers they were Priests;* which plainly resolves the whole power, both of Marrying and Priest-hood, into the Right of a Father: Were this as he affirms, certainly we should find upon the Priest-hoods being given to one Family that this power of Marrying was convey'd with it; which yet he does not pretend to prove, but from remote and far fetch'd Consequences; and which are not Worth the Considering.

However his Proofs from the *New-Testament*, are more Extraordinary, which are from some general Precepts of Christ and his Apostles; I shall mention them, to let the World see, how little there is to be had from thence; and what a good Talent this Gentleman has at drawing Consequences; the thing to be prov'd is, that the Celebration of Marriage, is part of the Ministerial Duty: The Texts he quotes for it are these; *Teaching them to observe all things, whatsoever I have commanded you,* Matth. 28. 20. *Exhort in season, and out of season,* 2 Tim. 4. 2. *Let all things be done Decently and in Order,* 1 Cor. 14. 40. *I exhort therefore, that first, of all supplications, Prayers, Intercessions, and giving of thanks, be made for all Men, for Kings, and all that are in Authority,* 1 Tim. 2. 1. From all which, it plainly follows, that the Power of Celebrating Marriages is part of the Ministerial Function: Yet if that does not follow, certainly this will, that he has neither Precedent nor Precept in the *New-Testament*. But our Author fancying he has prov'd his point unanswerably, can find but one Evasion more, that the Clergy can lay hold on, to get out of this Difficulty, and that is, admitting all he has said; *That they are no Ministers, as wanting Episcopal Ordination, and therefore, they (the Presbyterians) have* Page 17. *no pretence to Officiate.* Upon this our Author is willing to joyn Issue, and come to a fair Tryal: I cannot blame him to drop his Cause, as he has manag'd it, for any other; yet I would advise him,

not to stir up those Embers, which may possibly go out of themselves, and if they once again Flame, he may be scorch'd, as abler Men than he, have been before him.

He has one Objection more of his own starting, *viz that they are not the Ministers Authoriz'd by the Civil Magistrate to do this*; to which he answers, *Neither were the Primitive Christians for the first 300 Years; and yet they Solemniz'd Marriages among themselves.* But will this Gentleman say, that our Matrimonial Office is Idolatrous, that we Invoke false Gods, and Devils, and do Sacrifice to them, as the Heathens did, when the Christians Celebrated their own Marriages; to make his paralel true, he ought to have run it on both sides; But 'tis a most miserable Argument, and the sign of a desperate Cause to urge; that because the Primitive Christians refus'd to be Married by Heathen Priests, who worship'd false Gods, and Sacrific'd to Devils, even in the Solemnizing their Marriages; therefore the present Christians must refuse to be Married by the true Ministers of the only true God; and by such Rites as are Holy, Just, and Lawful: If this be arguing like a Scholar, a Divine, or a Christian, I leave to his greatest Admirers to judge; and I go on to his third Chapter to examine his Objections against our Office of Matrimony.

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Chap. III.

I Am now to follow our Author in that only part of his Book, which has any colour of Reason, or is in the least Material to his purpose: Indeed, if our Dissenting Brethren can prove, that being Marry'd with our Office, does necessarily involve them in Sin, they have some cause for setting up a new Method of their own; for whatever is sinful in it self, cannot be made otherwise, by any humane Power, which commands an Obedience to it: Whereas, if our Office of Matrimony have nothing in the Celebration that is Sinful or unlawful; undoubtedly, they are Guilty of the Sin of Disobedience, who refuse to Comply with it: These things seem

so

so evident as to need no Proof, so that our Author might well have spar'd all the rest of his Book, and made the most of this part ; for this is indeed all that is pertinent. And how he has acquitted himself in this, I am now to Examine.

His First Objection to the Office of Matrimony, is this Expression in one of the Prayers. *O God who hast consecrated the State of Matrimony to such an excellent Mystery, that in it, is signified and represented the spiritual Marriage and Unity betwixt Christ and his Church :* Our Author has added the Word (High) to this Sentence, to aggravate the danger ; which with two words more added by him, Argues, either great Negligence or some Sinister Design : But taking it, even with his Addition, I see nothing at all, but what admits of a very fair and Innocent Construction : Yet he Learnedly Proves, *that God never made this Consecration, since it was not made at the beginning ; nor since that time.* But by his Leave, that which at First was Instituted as Gods Holy Ordinance, was by him Consecrated, and therefore made Holy : as our Author earnestly contends thro' his whole Book ; Ay, but it was not Consecrated into *that* Mystery of signifying the Spiritual Marriage between Christ and his Church. Not at that time for ought appears in the Institution ; but that it afterwards had this Mysterious signification, from the Spirit of God, is evident from *Ephes. 5. 32. This is a great Mystery : but I speak concerning Christ and the Church.* In express Terms : and reason seems to plead for it ; since no Relation in this World, does or can so significantly represent the Love of Christ to his Church, as this of Marriage. Therefore understanding the words (Consecrated and Mystery) in a large sense ; the meaning of that Petition is no more than this ; *O God who didst First consecrate Marriage by making it an Holy Ordinance, and has since given it that Mysterious Excellence, as above all other Relations, to signifie and represent the Spiritual Marriage betwixt Christ and his Church.*

This I presume to be the meaning of our Church in this Petition ; and what there is in this, to offend any Devout or Humble Christian : Let every Christian Judge, as they will likewise of our Authors sincerity, who from this passage, has arraign'd our Church of Popery, Page 29.

His next objection is as cavilling as the Former : He thinks it unreasonable to *oblige Persons Marrying, to plight their Troth to have and to hold for better for worse, from that time forward till Death them do part* : Where by putting the Words, *from this Day forward*, out of their proper Place, he has a little inverted the sense : But granting him this Liberty ; his objection is, that by this, a Man is bound to an Adulteress, or to a Woman, who resolves to desert him ; which is absur'd. How easie is it to strain consequences, and force Constructions from Words, which the Author of them never design'd ? He knew the Practice of our Church to be quite otherwise, both as to Adultery, and Desertion ; and therefore should have taken her meaning from her Practice : Yet if it were not so ; How do these Words imply, that a Man shall take the Woman he Marries, till Death do part them ; tho' she Prove an Adulteress or a Deserter ? The meaning of this, and every other Vow must be, that it obliges as far as possible, but neither to impossibilities ; nor against the Fundamental Reason of the Contract : The First, takes off his Objection about a Wifes Desertion ; and the other about Adultery. He that takes a Wife till Death, must necessarily mean, if she do not totally and obstinately Desert him. And he that takes her for better for worse, must mean, if she be not Guilty of that which utterly Dissolves the Marriage Contract : Yet the plain sense of the words is ; That the Parties take each other, for whatever they are at that time, whether better or worse, whether they have been Adulteror, or Adulteress ; so that it shall be no reason hereafter for a Dissolution of the Marriage, for one Party to urge that he or she was mistaken ; that he has since discover'd she was an Adulteress, or is not so good, or so Wealthy as he Imagin'd when he took her : No, this Vow binds him to her, be her Estate, her Body, or her Morals, what they will ; But it no more binds, if Adultery be afterwards committed, than we can suppose it to bind, if either Party were Marry'd, or Contracted to another before. And with great reason we see it is, that the Church has taken this Caution ; lest any Persons Marrying should fancy themselves disingag'd from the Vow, because they may as-

ter find, each mistaken in the others Circumstances ; and I dare say, that very few before our Author ever understood it in any other Sense, neither would he, if it were not for the sake of Objecting. And I must observe, that as he has manag'd and wire-drawn this objection, he has made the Bond of Marriage Looser, than any Writer that ever went before him. As to what he charges upon the Church in not giving Liberty to Marry after a Legal Divorce, he may as well charge it with Felony ; Let the State give this Liberty, and the Church has done her part ; as, he certainly must know, that whoever obtains an Act of Parliament to Marry again, does not thereby incur any censure of the Church. If his reasons will convince our Law-givers to alter the Law in that particular, I dare engage, the Church will Acquiesce in what they do ; but I fear our Author's Arguments will not Suffice, to alter Constitutions in the State.

In the next Objection, the Vindicator imagines he has got the Poor Church and Clergy, at such an advantage, that he has little more to do than to Insult and Triumph : So much Heathenism and Popery he has found in the use of the *Wedding Ring*, that sure the Wives whom he has made Egyptians, ought to be spoil'd of them, to adorn and gratifie this Israelite. And yet after all this Ring may Prove a very harmless Innocent thing, and no *Circumvention* in it, as our Author has wittily Discover'd.

His First Quarrel to it is ; *That the Ring is a Mystical Significant Ceremony invented and impos'd by men, in Matters Religious : For against all such* (says he) *we declare :* Not against all sure ! Is not the sitting at the Communion a Mystical Ceremony, and Significant of that Table Posture in which Jesus Christ Administer'd, and of the Fellowship, that all the Faithful have with him ? How oft have we heard of these Mysteries, in that One Familiar Ceremony, which our Vindicator and his Friends so obstinately stick to ? Yet is it not any where Prescrib'd in the Scriptures. Methinks, he had Quarrel'd with the Ring on better grounds, had he said, that it had no Allusion, and was significant of nothing. But if it have ever been found to signifie as much, as we mean by

it, and that by all the Civiliz'd World ; We are discharg'd by his own Argument, from all Superstition and Idolatry in the use of it. He assures, us *Page 39. That Joyning of Hands is Allowable being us'd by Gods approbation in the Scriptures,* (which yet none of the quoted Texts do in the least prove) *by which as with our Tongue we express our Fidelity and Friendship, and if it be not a Natural, yet it is an Universally us'd sign, and therefore he can object nothing against it.* Now if by the Ring, as with our Tongue we express our Fidelity and Friendship, and that it be a sign universally us'd, then is the use of it without any Objection. If our Author had but consider'd how he gave up all his former Arguments in this one Concession, what a deal of Learning and Slander might he have spar'd; the Clergy had neither been Papists nor Idolaters. However, that his whole Pains and Reading may not be lost, I shall consider it a little further, tho' I think, he has sufficiently confuted himself.

He says Secondly, *that God has given us his Word, which is perfect, &c. And the use of the Ring, is an Addition to that Word, and Consequently threaten'd with his Plagues.* He might have said as much of the Love Feasts, of the change of the Sabbath, and of several other usages which obtain'd in the Church, without so Malicious and Groundless a Censure; and even his own Friends are sensible of the danger and weakness of that Principle, that we must have express Commands in Scripture for every thing us'd in the Worship of God: The Authors way of Worship has been fairly Examin'd by this Test, and for ought that appears, is given up as indefensible.

In the Third place, he says, *other Reform'd Churches Condemn them, viz. all use of the Ring and other Ceremonies, as well as We ;* yet in his whole Quotation, he is not able to produce one passage against the use of the Ring; and all that he has quoted, is against the Vanity and Multitude of Popish Ceremonies, which the Church of England has Condemn'd, as largely, and fully, as Articles or Homilies can do. To the same purpose he cites the Learned Bishop Taylor, whose Arguments are design'd and conclusive against the Papists; and yet as the Vindicator himself observes; he judges the use of the Ring Allowable from the Customary use of it, as a Pledge
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of *Fidelity among all Nations*, as that of a *Kiss* does signifie Love and Friendship throughout the World; and the use of it therefore prevail'd in the Church for some Ages, as an expression of our *Christian Charity*; and was therefore call'd the *Kiss of Charity*; nor was the Church ever Arraign'd for Superstitious or Idolatrous, whilst that usage continu'd. Neither can our Church suffer for giving and taking a Ring in token of Mutual Fidelity, in the Office of Matrimony; it is not adding any new Signification to it, but giving a further Solemnity to that, which it always, and in all places had. Such an other Occasion our Blessed Saviour once took to inforce a Moral and known Duty upon all his Followers. Matt. 22. 21.

The Pharisees would be inform'd whether it was lawful to pay tribute to *Cæsar*, or not; Jesus knowing their design, and Wickedness, calls for the tribute Money, and they bring him a Penny; and asking them, whose was that Image and Supercription, they answer, *Cæsars*; upon which our Lord immediately adds, *Render therefore unto Cæsar, the things that are Cæsars*: Our Saviour might as easily have told them, it was their Duty to pay Tribute to *Cæsar*, but that they might have a continual remembrance of their Duty and Subjection before them, He reminds them as oft as they saw any piece of Money with the King's impression, that this should admonish them of the Duty and Tribute they ought always to pay him. Now, as Money has its Civil use, which is, to be a Pledge and Exchange in all sorts of Traffick; and besides this, the Image and Supercription do serve to remind us of rendring to *Cæsar* the things which are *Cæsars*, which is a Moral and Religious use of it: So likewise in the Ring; It was always held in Civil Society to be an Emblem of Love and Fidelity; and being by the constant usage of the Christian Church, given and receiv'd as a mark of mutual Faith and Love in the Persons by them Married; it serves to remind all Husbands and Wives of the endless Love and Union, which they ought perpetually to maintain one towards another. But says our Author, This is Imposing things indifferent, and of humane Invention in the Worship of God: On the contrary, we do not pretend to worship God by the Ring; but as we pay him Homage every

every time we Eat and Drink, and that puts us in mind of his Bounty, and our Dependance : So, as oft as we use the Ring in Matrimony, we Pray, that the Persons thus using it, may remember *that Love and Friendship which this betokens amongst Men*. But admitting that this use of the Ring, were making an indifferent thing to become a Rite or Ceremony in the Church; our Author should have prov'd this unlawful and forbidden, before he declaim'd so vehemently against it; especially since there is a most learned Treatise on this Head, yet unanswer'd in the *London Cases*; which our Author should have consider'd, as I believe he did; and therefore thought it his wisest course, to take no manner of notice of it : And I shall be as free with all his Learning and Quotations against the use of indifferent things, till he is pleas'd to oblige the World with a Confutation of that Treatise. His next Ar-

Page 34. article of Accusation against the Ring is; that *it has been us'd in Marriage Rites, and Solemnities, by the Heathens, as Hooker and Heylin observe, which our Author thinks, is rather an Argument to disuse it, God having prohibited the use of these Heathenish Customs to his Church.*

Had our Author been sensible of the force of this Objection, in the beginning of his own Vindication, certainly he had spar'd so many Heathenish Arguments and Quotations, as he has there given us; and not have prov'd such and such Rites necessary in all Marriages, because the Heathens themselves had us'd them : But it seems, they were then only defensive Weapons; here the Vindicator uses them offensively; and therefore having put the Church upon the Defensive; what I think fit to urge in her defence is, that a Minister of the Gospel Writing in Defence of *Presbyterian Marriages in the North of Ireland*, has call'd in abundance of the Heathen Poets, Historians, &c. to help him; and therefore Mr. Hooker and Dr. Heylin may be excus'd for one Quotation out of a Heathen Satyrist; and when that Author disclaims his foreign Pagan Allies, we are ready to do the same; for why is not Juvenal as good an Authority for them, as for the Vindicator? but

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16 & 17.

he ends this Period with a shrewd Observation upon the poor harmless Ring : *Why (says he) may it not be as well a*

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Sign of Circumvention as Fidelity? and since it neither has beginning nor end, Why may it not as aptly signify, that their Love should never begin, as well, as never end? These are hard Questions indeed; and to the first we answer, that probably our Author is the first, that ever thought the Ring a Sign of Circumvention; and all Husbands hope that this new Doctrine will never go down; and that their Wives will make better use of their Rings. To the second we answer, that the thought is as new and Surprising as the former; for till the subtilty of this Vindicator discover'd it, the World took the Ring to be a Pledge of Fidelity actually begun; and therefore could not suppose it an Emblem of what was never to begin, tho' it do very aptly signify what may never end.

Our Vindicator's next Objection has made him pleasant, and jocular upon the poor Ring; and yet it is no more, *than the laying the Ring upon the Book*, which from his usual wonderful Sagacity, he has found to be Superstitious, and to be no other than a *meer Popish Consecration*; and had that Order been to place it immediately in the Ministers Hand, or on the Table, or any where else, the Case had been the same; for he that will find out Popery in every thing, may do it even in minc'd Pyes: But the Author's over quickness at this discovery, made him quite oversee the design of the Rubrick, which expressly tells you, *that the Man gives the Woman a Ring, laying it upon the Book*; if so, how is this a Superstitious Consecration? for that is giving it immediately, and ultimately to God, and not to the Woman; and any Man of less eagerness in smelling out Popery, would have judg'd, that the Ring is laid on the Book, that each Party may view the Pledge of Fidelity, given and taken, laid on that very Book; in the Words of which, they plight their most Solemn Vows, each to the other; and this I take to be the whole of that Mystery, which is so wonderfully dangerous and Popish.

But still, *the putting the Ring on the Fourth Finger is abominably Superstitious*, or else the Vindicator would not have spent a whole Page in confuting it: He has found, that there is no particular Nerve from that Finger to the Heart, or his Oracle Doctor Brown has deceiv'd him: And this being the only reason for this Practice, which the Wisdom and Gravity of the Church of England is able to Assign;

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he wonders, *She should trouble Men for not assenting to it*; But where has the Church of England Assign'd this reason? or any thing like it? I suppose, the smallest Church upon Earth, not answerable, nor oblig'd to give any reason for a practice so Innocent, and indifferent; yet if she were, it would never be that which this Author with so much judgment has confuted. Possibly She might urge (with great deference to the Vindicator) that the fourth Finger of the Left Hand was that, on which Married Women generally wore their Rings; and therefore (not having such a foresight at Popery, as this Modest Vindicator) she did not think fit to alter the fashion; especially, not being able to distinguish, why that Finger was more superstitiously inclin'd, than any of the rest.

However, It is not only the putting it on that Finger, which startles our Author, but to say; *With this Ring I thee Wed, in the Name of the Father, &c. This makes all that use it, Guilty of a direct Breach of the Third Commandment.* Before I endeavour to satisfy our Vindicator, or his Friends in this point, I would remark a little on the Gentleman's sincerity, from whose manner of representing that Phrase, one would imagine, that it stood in the Book of Common Prayer, as it does in the Vindication, viz. *With this Ring I thee Wed, In the Name of the Father, &c.* whereas the whole Sentences is thus; *With this Ring I thee Wed; with my Body I thee Worship, with all my worldly Goods I thee endow, In the Name of the Father, &c.*

Now would not any Man of Religion imagine, that so Solemn an action as this, the Giving and receiving the Pledge of mutual Fidelity, the yielding up the right of Body and Goods, might not innocently and properly be done, in the Name of the Holy Trinity: But hear our Author's Objections to this. *First*, says he, *God has no where requir'd us to Wed with the Ring; and therefore we cannot do it in his Name*; which is false; We may and ought to do many things in the name of God, which he has not requir'd us directly, and particularly to do; St. Paul's Command is General, *Whatsoever you do, in Word or Deed, do all in the Name of the Lord Jesus*: Therefore in every Action of Consequence, we are oblig'd to do it in his Name. God has no where particularly directed any Man to Plow, or Sow, or go to Sea, or take a Journey; yet

yet sure all these things may, and ought to be done in the name of God; and indeed, by the force of this Author's Argument, there are but a very few Offices of humane Life, which we can lawfully begin or do in the name of God; the directions concerning them, being for the most part General: But 'tis sufficient to retort this Argument; and to let the Vindicator know, that whatever Action of Importance, God has not forbidden, may, and ought to be done in his Name. But the Author says further, *God is not the End of this Action, and can therefore have no Glory by it*; which is likewise utterly false; for he that pledges his Fidelity, and gives his Body and Goods in Marriage, either does or should do it ultimately for God's Glory; and he is the End of it.

Lastly, Our Author says, that *we cannot expect His acceptance or assistance in that, for which we have neither Precept, Promise, nor Example of any Holy Person in Scripture*. I wish he wou'd lay this to heart, as to his own way of Worship; and when he can bring either Precept, Promise, or Example from the Scriptures, for every Circumstance of their Worship, we shall then think it time enough to take notice of so wild, and Injudicious an Objection. Yet that which the Vindicator thinks worst of all is, that the Man must say, *With my Body I thee worship, In the Name of the Father, &c.* which he labours to prove, can mean no other than Divine Worship; and then he furiously attacks it, as Idolatrous: Certainly, no Man but himself ever took the Phrase here to mean Divine Worship; neither would he, only for the Pleasure of running down the Idol that himself made. And if it imports no more than imparting the sole Right of the Body, with the promise of due Benevolence, which is more modestly express'd by the word Worship, he needed not half the Zeal he has shewn to expose it. And thus much he seems to grant after all the Bustle he has made of Divine Worship: But then his Objection is; *Why is it not Mutual? Why does not the Woman say as much on her part?* Admit the Office to be defective in this, it is not therefore unlawful to join in what there is, for want of what shou'd be there. But the true Reason, I take to be this; that the Omitting it was *an Indulgence to Female Modesty*; who tho' they

they be ty'd by the Marriage Vow, to worship their Husbands with their Bodies, as truly as the Husbands do them; yet the expressing that part of the Vow, was not put upon them, as not so well befitting the natural Modesty and Reservedness that is peculiar to that Sex: However, since no more is intended by it, than imparting the sole Right of the Body, I cannot see the iniquity of making a Solemn Promise to do this; nor yet of doing it in the name of the Father, &c. Neither the Vindicator nor his Friends make the least scruple, to begin a Disposition of their Estates, In the name of God; nor yet of calling him to Witness, as they do in every Oath they take, tho' but for the decision of a *Twelve-Penny difference*; and why they are thus fearful to use the name of God, in the disposing of their Love, their Bodies, and their Estates together, is a thing hard to account for, if some Men did not study for scruples to fill other Mens Heads withal.

The next thing which falls under the Vindicator's displeasure is, the Husbands saying, *With all my worldly Goods I thee Endow*, against which he profoundly Objects, that *the Man only, and not the Woman, says this; then, that it is with all his worldly Goods; and yet above all, that this is done, In the Name of the Father, &c.* To the first we answer; that for a Woman to endow her Husband, is neither proper, nor practis'd; that the Laws of the Land do make the Husband immediate Possessor of all that was his Wifes; which they do not the Wife, of that which is the Husbands; so that the Husband, being sole Master of what belong'd to them both; it was necessary to oblige him by a Solemn Vow, to give a Mutual Participation of Worldly Goods to his Wife; whereas such a Vow in her had been impertinent and unnecessary; the Law having made 'em his upon the Marriage: As to those, who make Settlements and Reserves for themselves by Legal Deeds; and do not make the Husband sole and absolute Master, in my Opinion, they answer the meaning of the Vow; when the Husband is made partaker of the Profits and Enjoyment, during the Marriage; and the same I conceive, does fully solve the Vindicator's second Exception, of Endowing with all his worldly Goods, which that Husband does to

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all intents and purposes, whose Wife has the disposal of so much as is suitable to their Circumstances, and Station in the World. And if any Wife should pretend to a larger Claim, by Vertue of the Words, of Endowing her with all his worldly Goods, I believe (even in the Judgment of this Author) her Claim would be Condemn'd, and the Ground of it thought Ridiculous.

The Vindicator's Cavil at endowing, In the Name of the Father, &c. has been so fully answer'd, that 'tis needless to repeat it here; and methinks he would do well to satisfy all good Christians, why he is against using the name of God in the most weighty and momentous Action of our whole Lives. But his last Cavil against the Husbands Endowing is so absurd, that in the very proposing it, he has fully answer'd himself; he says, *'tis hard that a Man should be oblig'd to Endow an Adulteress, or one that elopes from her Husband*; and immediately adds, that by the Law such an One shall lose her Dowry; and quotes the Statute, together with an Old Latin Distich: Now, would not any impartial Man Judge, that the Law, he quotes, has answer'd his Objection; and that tho' a Man takes his Wife for better for worse, and Endows her with all his worldly Goods; yet, not, if she proves an Adulteress, and elopes from her Husband, which are Crimes against the Fundamental meaning of the Contract, as I have before observ'd. He might as reasonably have urg'd, that a Master is bound by Indentures, to provide his Apprentice with all things convenient for him, because it is so express'd in the Agreement; and that the Obligation still holds on the Master's part, tho' his servant has Rob'd him, and run away with most of his Substance; I ought to ask the Reader Pardon, for spending his time in the Confutation of such Cavils; and especially for repeating what is before answer'd; but this a Man must do, or be told by a Multitude, that he has pass'd by the best things, and chosen only the easiest to Answer; were it not for this, I might safely have omitted his last Objection to the Service; which is, the laying an accustomed Duty to the Priest and Clerk *on the Book*, which he exclaims against, as Indecent and unbecoming the Worship of God; if he, or any of his Friends think so, I dare promise, they will be

excus'd the doing of it in that manner : I have Married many my self, and have been present at many more Marriages ; yet I can safely profess, I never saw it done but once, nor was it then at all requir'd ; yet if it were daily practic'd, a Man must be intolerably squamish, to scruple it. I am far from deriving the Custom from Mr. *Hooker's* Original, of the *Saxons* buying their Wives ; but with him, I am of Opinion, *that it skilleth not much, if it were laid aside* ; for I take the practice, to have been at first, a voluntary Offering made to the Person Officiating ; which sort of Oblations, being for God's sake, given to his Ministers, it was proper to do it in that manner, as it is still continu'd in the Communion Office, and never yet charg'd with indecency, tho' done in the most solemn Act and time of Divine Worship ; but with this difference, that the Oblation which was formerly to the Priest, is now given to the Poor ; and yet 'tis still an Oblation, and no offence taken at it ; nor will any of our Dissenting Brethren, be scandaliz'd at this Custom, which they will never find Impos'd on, or exacted from them.

Having done with his Cavils against the Office of Matrimony ; the next thing he finds fault with is, *the times in which Marriage is prohibited by the Rules of the Church, which in his abundant Zeal, he taxes with Popery, with being a Doctrine of Devils, and worse than the constrain'd Celibacy of the Church of Rome ; and an Engine to screw Money out of the Subjects Pockets : These times (he says) last for One third part of the Year, and are so appointed by the Canons of our Church, in which no Person must Marry, whatever their Necessities be.* It is own'd, that our Church has Appointed certain Solemn times of Fasting and Abstinence, in which She has directed, that none of her obedient Children shall Marry ; but they are not so numerous as the Vindicator has made them ; neither are the Days nam'd by him, the same with those forbidden in the Canon ; neither is the Cause the same that he assigns, *viz. The profit of Granting Licences* ; for that the Canon forbids the Granting a Licence on those Days ; and it is one of the Conditions of Granting a Licence, that it shall not be at those times : Now, I dare appeal to our Author's admirers, both for his sincerity, and his

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Arguments on this Head; Whether the Learned *Hooker's Reason*, which he quotes, be at all answer'd by him? Why they themselves forbid the Celebration of Marriage on the Lord's-Day? Whether they would chose to Celebrate it, on One of their own Days of Humiliation? and if not, Why they blame the Church for not doing it on the Days that she has forbidden? Certainly the Apostles Rule ought to take Place in this, if any where; *All things are Lawful for me, but all things are not expedient*: Marriage is always Lawful, but is it expedient on Days of Abstinence and Humiliation? The Good *Uriah* thought otherwise, when he said; *The Ark, and Israel and Judah abide in Tents; and Joab, and the Servants of my Lord are incamp'd in the open Fields, shall I then go into my House to Eat and to Drink, and to Lie with my Wife*; 2 Sam. 11. 11. *As thou livest, and as thy Soul liveth, I will not do this thing*: Sure he Judg'd it Lawful at all times, but he thought it Indecent in times of Publick Calamity and Mourning. And to the same purpose *St. Paul* is exprefs saying, *1 Cor. 7. 2. 6. It is good for the Present Distress, that Men continue Unmarry'd*; yet is he as far as possible from a total Prohibition of Marriage. From whence, it seems evident, that Marrying may be at sometimes unseasonable, tho' never unlawful: And certainly Our Author, when out of his fits of Popery hunting, can never Judge, that there is the least Parity or Correspondence between the total Prohibition of Marriage by the Papists, and the Restraining of it, for some few Days, amounting to Forty only, in the longest Prohibition; whereas, they themselves Prohibit it for Fifty. But the chief Ground of his Quarrel, to this Restraining is; That the Church has fixt any set Days of Humiliation. He has indeed modestly Tax'd the Church with this Error, without giving his Reasons. When they are known, it may perhaps be proper to consider them: In the mean time, as Marriage is allow'd to be an Holy Ordinance, so it is own'd to be One of the greatest Enjoyments of this Life; and how suitable it is, to Mortifie, and to take even our Lawful Enjoyments at the same time, let Mankind Judge.

Towards the end of this Chapter, the Author charges it home upon

upon the Church, that *she has made Matrimony a Sacrament*, to prove which, he cites the Catechism, where the Question is; *How many Sacraments has Christ Ordain'd in his Church?* The Answer is, *Two only, as generally necessary to Salvation, that is to say, Baptism, and the Supper of the Lord.* Now, who would not believe this Author to have a wonderful Vein at Chimistry, that out of so plain a Question, and as plain an Answer, can extract a Third Sacrament, and call it Matrimony? Invention and Subtilty are fine Talents; but never so wickedly apply'd, as in forging Slander, and especially in Slandering the Church of God: And if the Vindicator's Conscience, did not flie in his Face, when he hammer'd out this false Accusation, he is a Man of more Gifts, then I am willing to imagine him. Yet, not to Derogate from his Reason in this, I shall give a due Tryal, to what he calls his Grounds of Suspicion; the First whereof is, a Sentence out of the Homily against Swearing; in which he finds Baptism call'd *a Sacrament*, and *Matrimony also call'd a Sacrament*; and therefore they must both be so call'd in the same Sense; the contrary whereof is evident, to any Impartial Man Reading that Passage: The Design of which is to shew the Sacredness of Oaths and Vows; which says, the Homily we make use of in the Sacrament of Baptism, and by like Holy Promises, the Sacrament of Matrimony knitteth Man and Wife in perpetual Love. This can signifie no more, in plain Terms, than the Oath or Vow of Matrimony, which the Author knew to be the Original meaning of the Word Sacrament, and so us'd in this Place; and both Sacred and Profane Authors have often us'd it to signifie an Oath, tho' it afterwards, was adopted to signifie peculiarly the Ordinances which Christ left to his Church; and even that signification took its rise from the Oaths and Vows so Solemnly made, at the Receiving those Ordinances. Our Vindicator being therefore sensible, that this Playing upon a Word, which bears two Senses, would not support his Black Aspersions, endeavours to palm a Distinction upon the Church, which she never thought of; and would make her Teach, *that some Sacraments are necessary to Salvation, and Others not necessary; and that Ma-*

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trimony is of this latter sort, and so held by Her. If the Church had not explain'd her self as fully in her Catechism and Articles, as words can do, such a Suggestion might have been Pardonable; but to put this upon the Church, after so full a Declaration, does not become a Member, much less a Minister of any Christian Church. Yet to enforce this Slander, he goes on to tell us, *that they, viz.*

He and his followers, do not Apprehend any of the Sacra- Page 41.
ments to be necessary to Salvation. The Quakers are oblig'd to him for this Discovery; but till he was pleas'd so frankly to make it, I thought that all other Christians had Judg'd the Sacrament of Baptism and of the Lord's-Supper to be necessary for all those, who expect Salvation, upon the Terms of the Gospel.

The Author's next Head of Arguments, from the parity of Expressions, have been consider'd in other Places; and I shall not nauseate my Reader to repeat them.

Before he Finish'd this Remarkable Chapter, he began justly to fear, that his own Reasonings would not defend his Cause; and therefore calls in some of the most Eminent English Dissenters to assist him; but instead of keeping him in Countenance, one would think, he ow'd himself a shame, to call so many Friends, none of which, will justify any One of his bold Assertions: He first appeals to *Mr. Baxter*, and Quotes an Exception of his, which the Author himself pass'd by without any Exception, and amounts to no more than this; that the *Words may be taken in another Sense, than they are Design'd*; and so may the best Contriv'd Words, that ever were written; the next of *Mr. Baxter* is, *that the Ring ought not to be Forc'd on those that Scruple it*; But does he any where call it Idolatrous and Superstitious? The Third is, *that obsolete Phrases should be chang'd*; with all my Heart; Whenever the Queen and the Convocation think fit: But by the way, *Mr. Baxter* calls that only, an Obsolete Phrase, which our Author has made Idolatry. The Fourth is, *that some words may be spar'd, and the same thing said in fewer*; neither am I against this, if the same Authority think fit. The last of *Mr. Baxter's* is against an Exhortation of the Church, or an advice *de benedisse*, but not against any

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Order; and which may be observ'd, or otherwise, as Persons are Dispos'd.

Mr. Baxter having thus left our Author to himself; he turns next to the *Divines Authoriz'd by King Charles the Second, to review the Service-Book*; and would have us believe, that their Exceptions to the Office of Matrimony, are the same with his; but I must observe this Remarkable Difference between them; that *those Divines* do modestly propose their Objections and Desire; that Men may be left to their Liberty, either to use, or forbear them; and that some few words may be alter'd, the signification of which, length of time has render'd dubious, or in their Judgment improper: Whereas our Author has charg'd the Office with Popery and Idolatry, and as unlawful to be comply'd with in those very Passages, for which he Quotes the *Assembly Divines*. These Pray, that *the Ring may be left indifferent*, which is Demonstration; that they neither thought it Unlawful or Idolatrous to use it. They Pray to have *Words of a doubtful signification Omitted or Mended*. Our Author finds rank Popery and Superstition in them; and therefore rejects the Office. The Dissenting Divines and Laity in *England*, wish *there were some Alterations in that Office, which (in their Opinion) would be for the better*: But in the mean time, They all Conform to the Use of it, as having nothing Dangerous nor Unlawful. Our Author asserts, and 'tis the whole Aim of his Book, to prove it Popish and Idolatrous; and will suffer none under his Care or Influence, to use it: So well have the Divines in *England* justified our Author's Principles and Practice. And since Our Vindicator's, *English Auxiliaries* have Prov'd no better Friends to him, or his Cause, he resolves before he parts with them, to shew as little true Friendship to them; for in the close of this Chapter, being sensible, that the Practice of all the English Dissenters, and the Southern Irish, was wholly against him, instead of making the least Apology for them, *He charges them with down-right Immorality, in complying with our Matrimonial Office; and has no more to say for them, than the Establish'd Church has to offer in Vindication of her Irregular Members*. Now, so very little has the Church to say, in defence of her Irregular

gular and immoral Members, that by our very Constitution, they are to be severely Punish'd; and the Dissenters in *England* are not much oblig'd to this Author for putting them on the same Foot; nor was it so civil, to much the greatest Body of Dissenters in these Kingdoms, to charge them flatly with *Gross Hypocrisie and Immorality*: For I dare appeal to the World, whether there can be a heavier Accusation, than to tell them, as our Author does in plain terms, that their Practice is contrary to their Principles, and that they do this to *procure Mens favour, or avoid their Displeasure*. Sure 'tis in other words to tell them, that the favours or displeasures of this World, are stronger with them, than their Belief of Rewards and Punishments in the next, and that therefore they dare Dissemble with God, even while they pretend to worship him; and utter that to him with their Mouths, which they Abhor in their Hearts. How the Authors Friends in *England*, and the Southern parts of *Ireland* will relish this treatment, I know not; But this I do, that they are sufficiently able to answer for themselves.

C H A P. IV.

I Have now pursu'd our Author through that part of his Discourse, which of all the rest, had the greatest tendency towards a Real Vindication; and indeed, had he succeeded in this, all that he has said beside, might have been well spar'd, to the great ease both of himself and his Readers; for I take it, to be plain, even to Demonstration, that if he cou'd prove the Office of Matrimony to be Sinful and Idolatrous, he needed no other Apology for, or Vindication of *Presbyterian* Marriages. And if this cannot be done (as my Reader is now Judge whether he has done it, or no) then all his labour and subtilty is lost, for it seems a self-evident Truth, that all Subjects are bound to obey the Laws and Law-givers, and that for Conscience sake; if they require nothing from us, that is antecedently sinful or unlawful. And since the main stress of his Arguments, have or should have been, to shew the unlawfulness of com-

plying with us; and that has been so particularly consider'd, I think it will be a very pardonable freedom, if I treat his Fourth and following Chapter more briefly; which every body must own, to be far less pertinent to his purpose.

The Principal Points insisted on in this immethodical Chapter are; First, *His Objections against the Proceedings in the Ecclesiastical Courts, by the Oath Ex Officio*. Secondly, *His Endeavours to prove, that the Civil Laws of our Land do countenance the Presbyterian Marriages; and, Thirdly, A long Medley of Quotations and Arguments against the use and Obligation of the Canon Law*. The first of these, our Vindicator does all he can to expose, from a certain *Libel* exhibited in the Courts of the *Dioceſe of A.* against a *Presbyterian Minister J. T.* which he takes for a Standard, or constant form of making Libels in those Courts; and in this mistake runs on violently against it. Whose the Libel was, I profess not to know, and at the same time not to approve; for with due respect to him that drew it, I think it might have been better done: However, taking it, as it is, the Author's Objections to it are very feeble. He thinks it ridiculously absurd for this Expression, that it objects *that de facto J. T. did Solemnize Marriage between several Persons Clandestinely*. Now he fancies that *Solemnizing* and *Clandestinely* are inconsistent Terms. In the Original acceptation of the word *Solemnize*, I grant it; but that Word by long use and custom, does now as well signify the bare Officiating, or joining in Marriage, whether publicly, and with Solemnity, or otherwise: And in this last sense 'tis us'd here; and what I am sure will reconcile our Author to it, is that in the *Scotch Act of Parliament*, made to prevent Clandestine Marriages, in the Year 1698. *Celebration* is used in the very same sense; and I hope he does not think they can either do, or express themselves amiss; however, 'tis at worst but an Impropriety of Expression, which this Author has many reasons to pass over.

But his greatest passion is against *the Oath ex Officio*, or making Men Swear in their own Defence or Accusation. Now I confess in the large sense, that he takes that Oath; and in which most of his Authorities cited, do understand it; I am as little a friend to it

as he can be : For nothing can be truer, than that it is unreasonable and unjust, to make Men accuse themselves to their Damage or Injury, either in Body or Goods; and where it is meerly to suffer as a Criminal. But the very end and design of all Proceedings in Criminal Causes, in the Ecclesiastical Courts, shews the Oath *ex Officio*, to be no such dreadful Bugbear, as he has represented it. That Oath is to make Delinquents purge their Consciences; if they have been guilty of such or such Wickedness, to confess it to the Glory of God; and to do publick Penance for it, to the Edification of his Church. It is to bring them to a light and sense of their Sins, both against God, and to the scandal of their Brethren: Which if they own upon their Oath; then must they be brought to a true Repentance for it; and having given scandal to their Brethren, they must testify their sorrow by owning their Guilt and Repentance in publick. Now, indeed Men whose loose and wicked Lives may justly make them apprehend this Discipline of the Church, have some reason to declaim against it; but, Why so much violence from the Pen of any sober Man against this Oath *ex Officio*, I do not so readily comprehend. Certainly, to restrain Sin, and to bring Men to Repentance, in order to save their Souls, is a most Generous and Laudable proceeding : And since this is all that the Ecclesiastical Courts aim at in every Criminal Cause, I see no such barbarity in the Oath *ex Officio*, which is wholly intended for this purpose.

Thus it is plain, that there is a wide difference between that Oath, as impos'd in the *Courts of Inquisition*, and as us'd in our Bishops-Courts. The Romish Judicatories, make it indeed, a torture to rack Mens Consciences, rob their Estates, and basely take away their Lives. Our Courts when they use it, (and that not frequently) do it, to bring Men to Repentance, and consequently to Salvation. Their Lives and Estates are untouch'd, and no injury done or design'd them, except it will be accounted such, to make publick satisfaction to the Church for publick Sins; and this, not so much our Courts, as our Religion oblige all Christians to do.

But 'tis Objected; that there are *great abuses of this Oath; and that 'tis as oft us'd to punish Mens Purfes, as to Reform their Manners.* It cannot be deny'd, but that there are Corruptions in all Courts; but from hence to argue wholly against the use of them, would be to leave Mankind in Confusion: A proper time may very speedily come, to take off the force of this Objection; but when it does, I am confident 'tis not that which our Vindicator aims at. I have explain'd the nature and end of the *Oath ex Officio*; and that is sufficient to answer all the heat and fury, that is produced against it; and to shew that it has nothing at all of the Inquisition torture, but is of great good use for Discipline in the Church, and Reformation of Manners.

The Author's next Objection is, that this proceeding in the Ecclesiastical Court is design'd to *dissolve and make void the Marriage Vow and Contract*; which being valid by the Law of God, he does not see *how any humane Law can annul?* Most true it is, that no humane Law can make void that Vow mutually made in the presence of God; and in which the rye of Marriage does truly consist. But how can any humane Law own or take Cognizance of that Marriage-Contract, which has no legal Method of appearing? I have said so much on this head already, that I shall not cloy my Reader with Repetition, only I must take notice of our Author's Misrepresentation: It is not the intent of our Courts, to make void the Marriage-Contract; but to make the Parties declare and Solemnize that Contract in the legal Manner; if they do this, then have our Courts nothing further to say to them; if they refuse, then must our Laws look upon them as *living Incontinently*; for that they deny to give any *legal assurance or satisfaction to the contrary*. Let us suppose two Persons cohabiting together upon a private Contract made between themselves; and without any other Witness; this is (before God) a true and real Marriage, but the Laws of the Land call upon these two Persons to Declare and Solemnize their private Contract: They refuse to do it; but at the same time they own it, even at the Market Cross; and that this mutual Contract obliges them to be, and continue Man and Wife; yet they obstinately refuse to Celebrate

brate the Marriage. Will our Author censure the Courts in proceeding against these two Persons, for living Incontinently? Ay but, *says he*, ours is perform'd in our Congregation, and that publickly; and does this answer the Objection? these two Persons own the Marriage Contract to as large a Congregation, even to all Mankind that ask them; and is this enough to satisfy our Constitution? But then, says our Author, Ours is done with Prayers, Preaching and Teaching: Do these at all belong to the Essence of Marriage? or do our Laws take knowledge of these in satisfaction of the Marriage? The Marriage of the two Persons suppos'd, is still a Marriage, but without Prayers, &c. The other is own'd a Marriage, but attended with Prayers, &c. Do the Circumstances alter the nature of the thing? no certainly, the Law looks upon a Marriage with Prayers and Teaching, and without Prayers and Teaching to be one and the same, unless Confirm'd and Declar'd in the way that our Constitution has appointed; and if this be once satisfy'd, neither the Ecclesiastical, nor any other Court, has one word to object against it.

Our Vindicator finding, that this presses him home, and is the only Question that he needed have troubled himself, or his Reader with; goes upon a new attempt, which is to Page 51.
 Prove, that *the Laws of the Land are not against him, but rather altogether for the Presbyterian Marriages*: If so, what needed all this Bustle against our Courts and Proceedings? Why will he not stand the Test of the Laws, which he says, are manifestly for him? Why so much time spent in Proving their Marriages Valid, tho' against Law? Why do not the Gentlemen of Estates, and many of the Leading Ministers themselves Marry in their own way? If they believe it the best. Our Author has Prov'd it safe by the Laws, what then hinders so many from venturing their Estates on this New Discovery?

That the Laws of the Land do countenance *Presbyterian Marriages*, is so strange a Paradox, that One of Moderate Curiosity would be pleas'd to hear some Tolerable Proof of it, and yet 'tis so palpably and notoriously false, that a Man runs a hazard of his Discretion, in examining such reasons as Sophistry may alledge for it.

it. However (with the Readers Pardon) I shall State and Try the Vindicators Arguments, by which, he would Impose and Establish this New Project : And like the rest of our Projectors now in fashion, he begins with a few *Postulata*. First, *That Humane Laws are no further Obligatory, than they are Edifying.*

Page 51.

Very good Doctrine this, especially where the multitude are made the only Judges of Edification ; If this do not give every Man a handle of Rebellion that wants it, for my part I know no One Aphorism, among those of *Milton*, or *Lysimachus*, *Nicanor*, that will

His Second *Postulatum* is : *That the Civil Laws of this*

ibid.

Nation are consonant to the Laws of God ; and whatever is agreeable to the Scriptures, must (eo Nomine) be according to the Laws of the Land : This is true under certain Restrictions, which our Author has forgot : for if I take all the advantages against my Neighbour, that I can by the Law, I shall be but an indifferent observer of the Laws of God ; and if I do him no more good Offices, than the Law binds me to, I shall prove no good Christian. The End of these two Laws being divers ; One for the Establishment of Justice in Humane Society, The Other Transcending that, and guiding us by Higher and Nobler Duties to happiness in Heaven ; It's sufficient that the lesser Law be not contrary, or repugnant to the greater : But to make them Convertible, and Reciprocal to each other, is neither Honourable for the Law of God, Nor, as some Men manage Scripture, is it for the benefit of humane Society.

His Third *Postulatum* is, *That God has given to Mankind perfect Laws concerning all things essential to Marriage : And all that is left, to Humane Prudence, is the Determination of things Circumstantial to it.* If the Author pleases we will carry this Maxim a little further, and let it stand, for all the Offices of Religion and Worship. And if he refuses this ; why should we grant it for Marriage only : He can never Prove, that God has given perfect Laws for that alone, or that he has left the Circumstances of it to humane Prudence ; but has by himself Determin'd the Circumstances of all other Duties : so that I cannot see, what he gains by this *Postulatum*, unless it be, that Marriage consisting Essentially in the mutual Vow of the Parties Married, they are oblig'd to

con-

conform to such further Circumstances, as Humane Laws Direct.

His Fourth *Postulatum* is, *that the Civil Law may sometime prohibit things, which when done, it cannot make Void.* And give

me Leave to add to this as true, and wise a Maxim. The ^{Ibid.} Law may prohibit some things, which when done, *it can again make Void.* It prohibits all false Titles to Estates, and when

that is done, when they are Set up, it makes them all Void. But I believe it will puzzle our Author, to find many Instances of his Rule. He Proposes that of a late Law of prohibiting Marriages, under a certain Penalty : But by his Leave, it is no Instance at all, for if a Man will undergo the Penalty ; *that Law* has nothing further to say to him.

These are the Vindicator's *Postulata*. And now to his Inferences: These he makes by Considering the Laws now in Force concerning Marriages the First of which, he says, *Is 33 Hen. 8. Sess. 1. Cap. 6. Where the Law Enacts that all Marriages shall be Solemniz'd in the Face of the Church.* Our Authors Interpretation of this is, before the Members of the Church, without any Priest or Person to Solemnize it. Had that been the Custom or Practice in those Days, there had been some Colour for so Absurd a Gloss, and that the Law-Givers meant, *the Face of the Church* in the Sense of this Author ; But I would advise him to ask his own Conscience, whether he thinks they did ? I believe, all the Lawyers in the World, would never have found out such a meaning in that Expression ; and if he is not too Learned in our Laws, I Pray him to consult some of them. And I promise him, if any One of good Credit, will Subscribe his Interpretation, I shall retract what I have said against it. From this Statute he comes down to *Charles 2d.* But he should have stopt a little, where he was ; for by *the 25. H. 8.* It is declar'd, that the *Canon Law shall be in Force, where it is not Repugnant to the Common Law, or Statute Law, or Kings Prerogative* : Now the Canon Law expressly provides, that all Marriages shall be Solemniz'd by Persons Episcopally ordain'd, and no other : And unless our Author will Prove that to be Married by such, is against Common, or Statute Law, or the Queens Prerogative ; I believe, that Canon Law is in good Force, and that by a Statute never yet Repeal'd. The

The Statute of 17, 18. Car. 2. Seß. 5. Cap. 3. Is our Vindicators next support, where it is said, *That all Marriages had or Solemniz'd within this Kingdom since the First Day of May, 1642. Before any Justice, or pretended Justice of the Peace of this Kingdom, according to the Direction of An Act, or Ordinance of One or both Houses of Parliament, in England, or any Convention sitting at Westminster under that Name, shall be Judg'd Valid in Law; as if the same had been Solemniz'd according to the Rites and Ceremonies of the Church of England*: For hence our [Author infers what never any other Man thought of. First, *that the Marriages Solemniz'd by the Directory were Lawful, and Ratified by a Parliament of Ireland.* O shameless Sophistry! The same Argument will make the whole Usurpation at that time Lawful, the Act of Indemnity and Oblivion pronounces all the Rebels good Subjects; and whatever they acted to be according to Law. If those Marriages were Lawful, what needed a Subsequent Act to declare them so? Was there ever any Act of that Nature before? Certainly the true Natural Inference from that Clause, is; that because such Marriages were Illegal and Solemniz'd by Persons not having Authority; therefore to Remedy and Pardon that Evil, the Parliament have Ordain'd and Enacted that such Marriages shall be Judg'd Valid, as if the same had been Solemniz'd according to the Rites and Ceremonies of the Church of *England*. And those words, (as if the same had been, &c.) do undoubtedly make the Solemnizing according to the Rites of the Church of *England*, the only Test, and Standard of Legal Marriages; for 'tis a known Rule in good Reasoning: *Propter quod Unumquodque est Tale: Illud ipsum est Magis tale.* If Marriages are Lawful because they are Celebrated with the Rites of the Church of *England*; Then the Solemnizing in that manner, is the only Test of Legal Marriages: And this

Prov'd by an Act, which the Vindicator Cites in his own Page 52. Justification. But he shrewdly observes, if they were *Impuri Congressus, Unclean Copulations, that Parliament wou'd not, cou'd not Ratifie them*; but might they not be true Marriage Contracts, tho' Illegal? Might they not want the Sanction of the Law,

to declare and confirm the Validity of them? It's certain, this was what they wanted; and this that Act of Parliament gave them: The Vindicator will never see this Distinction, when 'tis against him, tho' at other times, no body so quick at it.

Before I part with him on this Head; I must observe, that the Directory which he unluckily Quotes, is a strong Argument against him. It is now (God be prais'd) laid aside, with the Usurp'd Powers that Enacted it: Yet there was this Remarkable from it, that the very Words of it Direct the *Ministers Establish'd by Law to Solemnize Marriage; and that they shall do it in the Places appointed by Authority for Publick Worship*. That Illegal Ordinance being Repeal'd; the Ministers of the Church of Ireland, are now the Ministers Establish'd by Law; and their Churches, the only Places appointed by Authority for Publick Worship: so that in modesty they should allow to the present Establishment, what they Engross'd to themselves by the Usurpation. Yet because those Times are long since past, and some People do not care to hear of them; the Vindicator must suffer me, to give a more home and Parallel Instance to him and his Brethren, viz. *An Act of Parliament made in Scotland, Aug. 30th, 1698. Against Clandestine and Irregular Marriages*; In which it is Enacted, that not only the Ministers Solemnizing such Marriages, shall be Imprison'd, Banish'd, and Fin'd; but the very Witnesses present at them, shall be Fin'd in severe Penalties, 100*l. Scots, toties quoties*; and if they be insolvent, shall be Punish'd in their Bodies. Now the present Practice in *Scotland* explains sufficiently the Intention of the Act; for they make it extend to the *Episcopal Clergy*, Marrying those of their own Perswasion; and they have too sad reasons to believe, that they are the Persons against whom the Act was particularly Design'd. Now if the *Presbyterian* Ministers of *Scotland*, do think this and other Laws there, are a warrant to them, to Solemnize all Marriages, even of Persons differing from them in Religion; sure our Author will grant, that we have as good reason to insist on the Laws of this Kingdom for our Warrant: For he who upon Occasion finds so Hospitable a Refuge among them, can never believe any of their Practices unjust, nor that Church blameable which imitates them. But from this Practice of theirs, I may (after the Vindica-

tors Laudable Example) reproach that Church for denying Episcopal Ordination; and tell 'em, that they have no Ministers, but only Intruders; and that they Condemn all other Reform'd Churches, (who Unanimously own the Validity of Episcopal Orders) in refusing the Episcopal Clergy in *Scotland*, the Power to Marry those of their own Perswasion. I would calmly ask our Author, whether he thinks these Reflections well grounded, upon the present Practice of the Church of *Scotland*? I am sure, if he disproves them, he manifestly Condemns himself.

From that Act of King *Charles* the Second, Our Author makes one step to the Reign of King *William* the Third: For his Readers are to understand, that he never once heard of *An Act of Uniformity* for Publick Prayers, and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the use of the Church of *Ireland*. Had he known this, 'tis impossible, he could have said, that the Laws of this Kingdom do Ratify *Presbyterian* Marriages; for there he would have found, *The Form of Solemnization of Matrimony, Establish'd by Law*; The Banns to be Publish'd in Church, three times; the Church, the only Place appointed for Solemnizing it: And the Priest or Curate, the Person to perform it; and all this, One would imagine, amounts to a Legal Establishment of Marriage. But possibly in answer to all this, the Vindicator might tell us, that the Church there meant, is the Meeting-House, the Curate the *Presbyterian* Minister, and the Banns, such notice, as they give in their Congregations; for this is just as reasonable, as his Comment upon the *The Statute 33 H. 8.* And if he does return this Answer, I must Confess, he has silenc'd me. I have nothing to Urge against such Expositions of the Law; and therefore I proceed to his last Act. *9 Will. 3d. C. 28.* Where it is Enacted, that if any Minister, Priest, or any Person whatever, shall Marry a Protestant Maid or Woman worth 500l. to a Papist, he shall suffer a Years Imprisonment and Forfeit 20 Pounds. And if they or any of them Marry any Soldier without Certificate, &c. then they are to Pay 20 Pounds.

From which our Author observes, First, *That Protestant Ministers, Popish Priests, and other Persons do Marry, or joyn in Marriage.* If they do, is it by like or equal Authority? He that is

neither.

neither *Protestant* Minister, nor Popish Priest, is neither Priest nor Minister at all. Will our Author say, that a meer Lay Man, is equally Authoriz'd? Upon second thoughts, he will not: being he has so warmly Disputed for the Expediency and Necessity of a Minister to Perform it. But what every Impartial Man would infer, That, is, that several Persons pretend to Marry, who have no Authority, and yet Impose upon the People. If any Law should Prohibit all Physicians, Doctors, Chyrurgeons and other Persons to use Opium, or Mercury; would it be a Reasonable inference from hence, that all other Persons are equally Qualified to Practice Physick or Chyrurgery, with the Doctors and Chyrurgeons? yet is this Just the Counterpart of the Vindicators first Observation.

His Second is, *That such Marriages are not Declared Null*: No, they are Irregular, but not Null; the Contracts may be Valid, but the Solemnity Illegal.

His Third Observation is, That the *Marriage Penalty is the same*: which I confess is so Profound, that I do not comprehend it at all.

His Fourth is, *What is not forbidden by the Law, is permitted, and that Law not forbidding any, but certain Marriages Specified in the Act, all others are permitted*; which is just as good reasoning, as if because the Law against Treason does not forbid Felony, therefore Stealing is permitted; or because such a Law, as I before instanc'd, does only Prohibit Opium or Mercury; therefore it allows the use of every other Poyson. Or because this very Law only Prohibits the Intermarriage of *Protestants* with Papists; therefore it allows Marriage between *Protestants* and Turks, or Pagans.

His Fifth Observation is, Marriage by Papists holds, and why not by *Protestant* Ministers? and why not? (say I,) For my part I hold them equally Legal and Valid, whether they the *Presbyterians*, be Ministers or no; or in the Rank of *other Persons*; for that all, except those of the Establish'd Ministry, are Illegal.

His Sixth Observation is, That *tho their Marriages were Illegal, the Clergy are not the proper Judges of them; neither are the Ecclesiastical Courts, but the Temporal; and these not having taken any Cognizance of them for 80 Years, nor found any Disadvantage by them, but their Marriages having all the Effects in Law, with*

those of the Establish'd Church, as Administrations granted, Wills prov'd, &c. Therefore they look upon themselves as Legally Married. In answer to which, I can only say, that the Validity of Marriage, may be Question'd Originally, in either Court, Ecclesiastical or Temporal; but the Ultimate Decision, must be in the Ecclesiastical, or by Delegates. As to *Administrations and Probat of Wills*; they are constantly granted, where no Body opposes them; for no Court can tell, by whom any Man is Marry'd, till it be brought Legally before them; and the Law presumes every Man True and Lawful, till the contrary be prov'd; or at least suggested. But can Our Author say, that ever Administration was granted, or Will prov'd, where a Caveat was first Enter'd? Or that ever any *Presbyterian* Marriage, or any One Claiming by and under it, had the better of him, that was next Heir, before such Marriage: whether upon any Controverted Title, which depended on the Validity of a *Presbyterian* Marriage, the Judges ever yet declar'd such Marriages Good and Legal?

‘ I will Instance to him a Case in Fact to the contrary. It was
 ‘ the Case of *Gold* and *Heydon*, before a Court of Delegates, which
 ‘ is the last Resort of Justice in *England*; *Heydon* came to demand
 ‘ Administration to his Wife; *Gold* deny'd the Marriage, as done
 ‘ in a *Sabbatarian* Meeting-House, and by a Person not Episco-
 ‘ pally Ordain'd; of this there was full Proof, and after a Solemn
 ‘ hearing before some of the most Learned Lords, both Temporal
 ‘ and Spiritual; and several of the Profoundest Judges: The Delegates
 ‘ confirm'd the Sentence of the Prerogative, and Administration
 ‘ was deny'd to *Heydon*, and confirm'd to *Gold*. This I presume
 ‘ puts it beyond Dispute, whether their Marriages have the same
 ‘ Effects in Law with those of the Establish'd Church. And this
 ‘ was a Case so lately Argu'd and Decided in *England*, that the Vin-
 ‘ dicator may (no doubt) be fully satisfied in it, from many of his
 ‘ Acquaintance.

As to the *80 Years Possession* of this Practice or Right of Mar-
 rying, I suppose it, a figure of Rhetorick, like that which calls
 the Dissenters, 8 parts in 10 of this Whole Kingdom; Or that
 which makes them *Sole Possessors of the North of Ireland*: a mo-
 dest way of computing themselves, and over looking their Neigh-
 bours.

bours : I believe, it will require this Authors second Computation to Assign any time of undisturb'd Possession, except that, when the Laws themselves were overturn'd. They have been from time to time presented for this Practice ; and have almost as often promis'd to reform it ; sometimes they have Palliated it, and only said, that they have Bless'd the Marriage ; sometimes they excuse it, by saying, The Wealthier sort, both of Ministers and People, do Marry by our Office ; and promise, how much they would labour with their People to conform to it. And 'tis but very lately, that any of them were so hardy, as to own it publicly.

The First Certificate of Marriage by a *Presbyterian* Minister that could be obtain'd, is not yet of Four Years standing : And this was forc'd from him by a Prosecution of the Parties Marry'd. The Bishops and Judges of the Ecclesiastical Courts have endeavour'd by all the Methods of Lenity and Perswasion to make them forbear this Practice : so that many of their Marriages have been wholly overlook'd, the Prosecution of others defer'd, and often dropt ; and in this, as in all other Respects, they have been treated with great Tenderness ; infomuch, that the Establish'd Clergy may well be surpriz'd, to see themselves reproach'd for their Indulgence ; *And the Moderation they have shewn, now turn'd into an Argument against them.* Yet are the Inconveniencies of Allowing these Marriages so many and grievous ; that could they be Prov'd of 80 Years Practice (which is impossible) 'tis now full time to put a stop to them : Our Authors Rule will certainly take place here, *Quod ab initio non valuit Tractu temporis non valebit* : Page 52.

That which was wrong from the beginning, will not grow right or Legal by any length of time, no not in 80 Years.

And since he is pleas'd to affirm, that there is no disadvantage to the Publick by suffering this practice, I shall set before him a *short Specimen of the many Inconveniencies of it* ; and leave it to his, and every serious Man's consideration :

First then, The giving any Number or set of Men a liberty to disobey the Laws under a meer pretence of Conscience or Religion, is a manifest disadvantage to the publick ; and that this is no more, than bare Pretence in the Presbyterian Ministers in the North of *England* is plain from the contrary practice of their Brethren in *En-*

gland, and in the other parts of *Ireland*, but seems more demonstrably so, from this Author's Confession, *that Marriage is no necessary or Essential part of the Ministerial Office*; and consequently cannot be a matter of Religion or Conscience for them to perform.

Secondly, The suffering this in the Ministers, may prove a *dangerous precedent* to the People, who may at any time set up the same *pretence of Conscience*, to justify their Disobedience to the Government. I am far from abridging Mens liberty of Conscience in matters of pure Religion or Worship; but to make a Civil Concern, and the Magistrates power in them, to become a scruple of Conscience, is certainly a practice of very mischievous Influence.

Thirdly, The opportunity hereby given to wicked Men, to take more Wives than One, is a dismal Inconvenience. Mens Virtue in this Age, is too feeble to restrain them from Sin, without the apprehension of temporal Punishments; and the Law has made that of Bigamy, or Marrying two Wives a Capital Crime: But this practice effectually prevents the Punishment; for if a Man be brought to his Tryal for having two Wives, and it be prov'd, that he Married One according to the Establish'd Form; and the other, by a Presbyterian Minister, the Law can take no cognizance of this latter Marriage; and so Wickedness escapes unpunish'd. And this Inconvenience has happen'd more than once; and therefore ought to be duly laid to heart, by those who open a gap for it.

Fourthly, A Man forsaking his Wife, or a Woman her Husband, who have been Married in the Presbyterian VVay, both the one and the other, are totally left without any remedy by our Laws: The Man cannot recover his eloping VVife, if she plead no Marriage; neither can the forsaken VVife Sue her Husband for Maintenance or Alimony, if he alledges the same Plea: And whether so great a Grievance as this ought to be suffer'd in any good Government, every rational Man may judge.

Fifthly, If a Man has had Children by a VVife which he Married in the Presbyterian VVay, and after her Death, he Marries another by the Establish'd form, and has Children likewise by her; these latter Children may wholly exclude the former from any share of their fathers Inheritance, and even from his personal Estate, unless care be taken to settle this by VVill, or otherwise: And

what Discord this may cause among Children; and what Confusion and Destruction it may bring upon Mens Estates, is not necessary to shew.

Sixthly, No Administration can be granted to the Widows and Orphans of such Marriages, where the next of Kin is pleas'd to put in a Caveat, and make his Claim: And this is evident from daily practice; and particularly from the case of *Gold*, and *Heydon*, which I have just now cited.

Seventhly, The last Wills and Testaments of many Men, may be defeated by these Marriages; and their Estates go to Persons remote, and perhaps undeserving; and our Laws have no way to prevent it; if Men will run themselves, or suffer others to lead them into these unhappy snares, which a due subjection to the Laws would in time have hinder'd.

Eighthly, Tho' Persons of little or no Fortunes may think themselves unconcern'd, in these Inconveniencies; yet it should trouble them too, to consider, that if their Children are advanc'd in the World, they are subject to the same Misfortunes; and in the meantime, the Laws and Government, under which they live, are oblig'd to look upon them, as living Incontinently; and they are liable to the constant vexations and troubles, which this may bring upon them and their Posterity.

I heartily wish, that the Gentlemen who fill the Peoples heads, with scruples against our Marriage, would fairly lay these inconveniencies before them; and let them ballance one against the other. It should be something more than a doubt or scruple, for which a Man would run the hazard of so many Mischiefs, both to himself and his Posterity: These are but some of the Disadvantages of this Practice; and our Author and his Northern Brethren would do well to consider, whether they as Pastors do well to lead their Flocks into such dangers, for what themselves own, to be neither *necessary nor essential to Marriage*. If they had that love and regard to them, which they pretend, and in Conscience ought to have, they would be far from insuaring them into such Dangers, merely for a small profit or Emolument to themselves: They would rather admonish them to beware of these Inconveniencies; and advise them for their own, and their Childrens good, to be subject to the Laws,

and

and their Governors ; in a matter, wherein their Consciencies and Religion can be no ways injur'd. Would they once do this, (*which some of them have promis'd*, and how they have perform'd, is between God, and their own Consciencies) then for a remedy of all past Disadvantages, they might obtain an Act of Parliament; and I dare venture, from my knowledge of the temper and moderation of most of our present Bishops; to assure them, that their Lordships would be the First, and most Zealous to promote and procure it. But whilst they persist in so illegal a practice, and contrary to Promise, do encourage and uphold their People in it; and to justify their own Irregularities, will fall foul on the Bishops, the Clergy, and the Ecclesiastical Courts, meerly for doing their Duty : This I think, is not the way to vindicate themselves, or to prevail with the Government to favour them. It is not their representing themselves as eight parts in ten of the People, that can fright a Government *so happy in the hearts of all Subjects, as this is*. Nor yet the representing the whole Clergy, as Mercenary and vexatious, to them who know the contrary, that will ever gain their Point. Truth, and Gratitude for the liberty they enjoy, may be an inducement to further favours to them. But they grossly mistake the Government, and over-value themselves, if they hope by threatening, or by misrepresenting their numbers, or the Establish'd Clergy, to force that from their Governours, which they are perhaps very inclinable on other terms to grant; and a Word to them, who are generally wise enough to see their own advantage, is I hope, sufficient on this Head.

But I must not overlook the great Authorities of the Lord Chief-Justice *Hales*, and the present Lord Bishop of *Salisbury*, which our Author has produc'd to prove the Laws, to favour Presbyterian Marriages; the Case is cited by the Bishop in the Life of Chief Justice *Hales*, which his Lordship Writ a good many Years since; and it is of a *Quakers* Marriage, which therefore will not square to a *Presbyterians*. But to state the Matter truly, will shew that it avails neither the one, nor the other.

' A *Quaker* was Sued for a Debt due by his Wife, with whom he had long cohabited; and who consequently was taken by all his Neighbours for his Wife. The *Quaker* to defraud the Creditor, would plead the invalidity and illegality of his own Marriage. This appearing

‘ appearing so manifest and Scandalous a Fraud, that most Equitable and
 ‘ just Judge directed the Jury not to go upon the Issue of the Marriage,
 ‘ whether Valid, or no ; but to Enquire, whether the Debt was *bonâ*
 ‘ *fide*, a just Debt contracted, and the Jury had no other part in it, but
 ‘ to follow the Judges Direction: If this be the true State of the Case
 (as it will be certainly found ; when it appears in the Reports of the
 Lawyers) and till it appear there, and certified by the Judges, it has
 no Authority as a President (I say) if it be thus, I would ask any in-
 different Man, what it serves for, to the Vindicators purpose. Yes
 (says he) you have the Judgment of a great Judge, and Learned Bi-
 shop for us: No, not even as he himself has Stated it ; the most that
 can be made of it, is, that the Judge and the Bishop both thought it
 convenient, that all Parties Married in their own way should have
 the Effect and Benefit of the Law, but neither of them say ; that as
 the Law now stands, they are Intitled to it.

The rest of this Chapter is taken up, in a tedious Quotation out of
 Dr. Godolphin, concerning the *Original and Progress of the Canon Law*.
 And I might find Authors of as good Authority and Credit, and pro-
 duce as long Harangues, and to as much purpose to ballance against
 him : But I Confess, I cannot comprehend that any One Line in that
 whole Quotation, tends to Vindicate the *Presbyterian* Marriages ;
 and therefore, ’tis quite foreign to my business to take any notice of
 it. All I shall do, is fairly to tell my Reader, that the Vindicator has
 five or six Pages fill’d with such a Quotation ; and if he can make any
 thing of it, thither I refer him ; for my part, I am not asham’d to
 own that I cannot.

There is a Word or Two of the Dispensing Power towards the
 Close of that Chapter which may deserve a Remark : The Author
 would insinuate, *that nothing but the Canons and Constitutions of this*
Church, hinders their Marriages from being Good and Legal ; that
the Queen as Supreme Head upon Earth, of the Church of Ireland, may
dispense with these Canons ; and that She has Actually Dispens’d in
this Point of the Dissenters Marriages, and consequently the Clergy are
Injurious to Her Majesty, no less than to them, in giving them any
more trouble on that Score. If the Author really believes, that the Queen
 has Dispens’d with the Canons, why does he not Produce and Plead
 that Dispensation in the Ecclesiastical Courts ? Why does he trouble
 the World and himself with his Vindications ? He too well know
 that whole Allegation to be Precarious and Groundless : I *Fin*

First, He knows that there are Acts of Parliament as well as Canons, to be Dispens'd with in this Case, and that the last Advice given to a Crown'd-Head about Dispensing with the Laws, prov'd very Fatal; and therefore he should have touch'd that part more tenderly, 'tis Highly Criminal and Dangerous for Subjects to advise their Sovereigns against known Laws. But God be prais'd, the Vindicator is *no Privy Counsellor*; so that Her Majesty and the Laws are still safe, and in sure Hands.

Neither in the Second place is it true, that *the Sovereign Power can Dispense with all the Canons*. Many of them being injoyn'd Antecedently, even by the Divine Law; and Others upon such Subjects, wherein Humane Powers have no further to do, than to Enforce the Observation of Moral Duties; and some concerning such Rights of the Crown, as the Supremacy, &c. Which no Sovereign can part with.

Neither is it true in the Third place; That *all the Canons receive their whole Force and Sanction from the Crown*; for as they are the Decrees of a National Council, they oblige all Persons under the Jurisdiction of that National Church, in Conscience; as soon as they are known, to be the Decrees of such a Council: And that which the Power of the Civil Magistrate does add to them, is, to give them the Power and Sanction of a Temporal Law; and this we own, to be all the Force and Power they have *in foro externo*.

In the last place, it is not true that *Her Majesty has Dispens'd with the Canons, tho' the Dissenters in Ireland are at present safe and undisturb'd under a Connivance; but especially with those which relate to Irregular Marriages*. Even in England the Dissenters who have a Toleration by Act of Parliaments do not pretend to any-Exemption from the Laws which concern Marriages, and certainly much less are they Exempted in Ireland, where the utmost they have to rely upon, is a Connivance; which in other words; is but winking at Faults which they do not think fit at present to Punish: For my part, I Envy them not a Legal Toleration, whenever by their Modesty, Temper, and Gratitude, they shew themselves Subjects duly Qualified for it; In the mean time, if they have any Dispensation from Her Majesty, we Challenge them to Produce it; and promise sincerely to Obey it, whenever they do.

C H A P. V.

I Have now follow'd our Author, and I hope pretty closely, to his concluding Chapter; which consisting chiefly in Repetitions and summaries of what went before, will probably require more of my reader's patience, and less of his time, than the former. His

His First Cavil in it, is that old one, of *Marriages Solemniz'd Clandestinely*, and being Married and not Married; which is already answer'd. The Second is against the Libel exhibited *in the Ecclesiastical Courts*, which has likewise been consider'd; but to this he adds, *the compounding with the Official, to blot out the damnable Sin of Fornication*; which I must tell him, is a damnable Slander and Calumny, and must stick to him as such, till he produces some Instances of the Officials Compounding that or any other Sin for Money: And will further assure him, that the Church and Clergy will be oblig'd to him for the Discovery; that the World may see how much they favour the Compounding of Crimes for Money; and how justly our Author and his Friends imputes it to them: And I make this a Challenge to the Author; which if he does not answer, he lyes under the Infamy of Calumniating and Slandring. After this, he falls into a most learn'd and pertinent Digression, about the nature of Fornication; and were I in the humour of digressing from the Subject, I would follow him; but as it is, I subscribe to his Learning and Judgment on that Head. He then comes upon us with Ten Reasons; in order, to shew the Innocence and Validity of their Marriages; every one of which, is fully and fairly answer'd, by that easie distinction of *the mutual Vow, in which Marriage consists; and the Declaration and Confirmation of it, to satisfy the Publick*. We own the first indissolvable; but deny it to have its effects in Law or Society. 'till it have the Legal Ratification: And our Author has Studiously confounded these two through this whole Chapter.

At length he seriously concludes his Vindication, with recommending some few things to the consideration of the Judges and Officers of the Official Courts: As First, *Whether Christ committed to them the power of the Keys?* to which I answer; to the Clergy-Judges, he did; to the others he did not; and neither one nor the other do Excommunicate or Absolve *quatenus* Judges; but upon hearing and Judging of the Crimes, do order the Parochial Ministers to pronounce Excommunication: And this may serve to answer his second Question, whether they *the Judges do hold the power of the Keys by Delagation from the Bishops*. And likewise the Third, *That since the Bishops cannot Delegate; how dangerous it is to run in Christ's Name, when he is not sent*. The Judges are proper Officers to direct those in whom the Power of the Keys is, to exert that power which is in them; when they have judg'd of the nature of the Crime. His Fourth Consideration is a meer Rant against the Ecclesiastical Judges; he arraigns them *for Judging by Popish Canons not purg'd*,

This Argument is worthy the Author's best Thoughts, as to his own Power.

which

which is false; for they are purg'd of every thing truly Popish: Nor is any Canon now in force, that is repugnant to our Laws, or the Prerogative. He goes on to tell them, that the love of Money manages every thing in their Courts; That the Weapons of their Warfare are but Carnal, and to maintain their own strong-Holds, not to pull down Satans. Then he asks a medley of Questions concerning our Conformity to the Primitive Churches; which might easily be answer'd, by saying, that before their Establishment by the Civil Power, their Censures took effect in Mens Consciences; that afterwards they us'd much the same Methods that we do. Then he advises us to stay at home and be content with our Charter from William the Conqueror, who subdu'd our Church to the Pope; and a bundance of this Treatment the Modest Vindicator is pleas'd to bestow upon us. His Arguments are already consider'd. His railings I have nothing to return to, but pray God, to turn his Heart, and make him sensible, what it is to revile God's Ministers.

His Last Address is to the Laity and Clergy, who (he says) had no hand in contriving their troubles, and is a Passionate Plea for Peace and forbearance. To the same, and to all our Brethren who Dissent from us, I make the same Address, and with the same earnestness; beseeching them to consider, who it is that first breaks in upon that Peace and Union, which has for some time, been so happily going on between us? Whether the Dissenters have not enjoy'd a full liberty of Conscience hitherto; and not content with that, are now beginning to inroach on the Civil Power? Whether it be not a widening of the Breach, to make that an Article of Communion, which no Church ever claim'd as a Right, but the Papists and themselves? Whether they have not a perfect free Exercise of their Religion and Worship, without the liberty of Marrying? Whether it be a good Return to the Civil Powers for the Indulgence given, to wrest their Authority out of their Hands; and reproach and revile that Church which they are of, for not giving it up? Whether it be now time to give our Enemies an advantage by our further Divisions; when so many Good Men are Endeavouring to heal them? Whether claiming another's Right, is not an Occasion of Dissention; and whether the Establish'd Church have not been in Peaceable possession of the Right of Marrying, long before any Presence of the Dissenters to it? In a Word, the Church and Clergy have this to answer to God, and their own Consciences, that in this Dispute, they have not been the Aggressors; but whilst they Labour'd for Peace, others sought the Occasion, and prepar'd themselves for Battle. The Vindicator has sufficiently upbraided the Establish'd Clergy, as if they in asserting this Right had purposely done it, to Quarrel with the Dissenters, or to advance their own gains; But I hope, what has been said, will secure them with all indifferent Men against this Calumny. It is a Charge given into their hands by the Laws of their Country, and the Peace and Interest of Families depends upon it; and the Clergy think themselves accountable to God, and their Governours, for the Mischiefs and Confusions which must attend, the Dissenters being allow'd to Marry; if they can fairly and Legally prevent it; and how great those are, has been in some measure prov'd. The Bishops have lately Publish'd Admonitions, to warn the Dissenters to desist from their Illegal Practice, and chose this way as the fittest to prevail with Men of Reason and Temper. If this notwithstanding, they will Force the Establish'd Clergy to assert this Right by Law; the Consequent Inconveniencies lie at their own Doors: Men will not be frighten'd from their Duty, by false and Popular Tales of Persecution, and especially when they are assur'd, that their Principles and Practices do evidence the Contrary.